

Seminar and workshop series on data commons

Data commoning in practice: on how (or not) to communalize smart cities, smart grids, and online advertisement

Introduction

Recent contributions in the scholarly literature and in legal-political practice draw attention to the notion of ‘data commons’.ⁱ The concept of commons refers to particular governance models for the management of a (set of) resources. Massimo De Angelis, for instance, describes the characteristics of commons as “a plurality of people (a community) sharing resources and governing them and their own relations and (re)production processes through horizontal doing in common, commoning.”ⁱⁱ A second example is Zygmuntowski et al., who define ‘public data commons’ as “a trusted data sharing space established in the public interest.”ⁱⁱⁱ Data commons thus seem to have some sort of collective or communal character, which is for some (mainly) derived by the character of the resource under consideration (data). Others argue that its character as a ‘common’ is determined by the political values scholars or the members of the community have.

What the notion of data commons at least suggests is the possibility to regulate or govern data in a way moving beyond market or state – the traditional methods to govern the use of resources. The language of commons, in other words, promises a governance model wherein members of the commons (commoners) determine themselves how the resource should be used, often in democratic and bottom-up ways. There are various explanations of this recent rise in popularity to connect data with commoning.^{iv} First, the ecological crisis motivates many to think of new and different ways to manage and take care of natural resources. *If it is important, these contributors suggest, to care for ‘nature’ in more sustainable ways, what about that other important resource that is thought to be so crucial to our contemporary economy (data)?* Second, and relatedly, the negative consequences of the commodification and datafication of more or less everything forces one to reflect on other and more sustainable models and policies to govern our societies, including our cities.^v Because ‘data’ is so central to these new forms of value extraction and creation, it is worthwhile to reflect on how ‘data commons’ could slow down, resist, or possibly even break down such forms of digital capitalism. Lastly, the infringements of informational capitalism on democratic norms,^{vi} combined with the democratic connotations ‘commons’ have, motivate asking how and in what way data commons could democratize our data-fueled societies. The question of democracy, in other words, connects this often tech-oriented discussion with legal-philosophical questions about how collectives should govern themselves, how is decided who should be included or not, and questions about what ‘inclusion’ in these new digitized gatherings even means? Who, to put that differently, really benefits from the data commons?

This seminar and workshop series aims to explore the notion of the data commons in two related but different ways:

- **The organization of four seminars** wherein domain experts reflect on the relationships between their domain and the notion of data commons.

- **The organization of four workshops** wherein invited participants get the opportunity to present (short) draft papers and receive commentary.

The program

The discussions and workshops are structured in the following way. First, four preparatory reading and discussion sessions on data commoning in the identified domains. These will be hosted by Utrecht University (NL). Second, four workshops where there is the opportunity to present draft papers and receive feedback, hosted by HIG (Berlin). All sessions combined can be seen as a long conversation about the nature, relevance, and importance of data commoning in various societal domains.

Seminars hosted by Utrecht University

The Utrecht seminars will start the end of April 2022 with an introduction by Gijs van Maanen. The **aim** of these seminars is to set the stage for the more in-depth discussions to be held later this year in Berlin, and gather participants for those workshops. **The starting points** of the four preparatory sessions are the following four broadly formulated questions (per seminar):

1. What are data commons?
2. How and in what way could smart city initiatives become more (of a data) common?
3. How and in what way could smart grid initiatives become more (of a data) common?
4. How and in what way could online advertisement become more (of a data) common?

The seminars have the following **format**:

1. Each session starts with presentations by one or more domain experts on the relationship of the concerned domain, and the notion of data commons.
2. A short response by a commentator.
3. And a moderated discussion open to all.

The seminars will take place online, and you can sign up by sending Gijs van Maanen an email (g.vanmaanen@uu.nl), and indicating whether you want to attend all sessions, or only a specific one. Gijs will make sure you receive the requested Teams-link.

The program including presenters can be found in table 1.

Table 1: overview preparatory sessions Utrecht University

When	What	Whom
April 21 2022 1600-1700	Data commons: an introduction Q1: What are the data commons?	Michiel de Lange & Erna Ruijter: very short introduction on the Special Interest Group 'Inclusion in the Datafied City' (Utrecht University) Gijs van Maanen: introduction data commons Respondent: Jan Zygmuntowski
May 25 2022 1600-1730 Adam Time	Smart cities Q2: To what extent could and should smart city initiatives become more (of a data) common?	Anna Artyushina https://www.researchgate.net/profile/Anna_Artyushina Governing Data Commons in Smart Cities: Understanding Data Cooperatives, Data Trusts, and Data Markets

		<p>As the most recent iteration of the cooperative movement, data cooperatives aim to help individuals navigate the largely inscrutable and extractive digital economy. The first data cooperatives had relatively modest aspirations: they would tap into platform companies' data streams to provide gig workers with "scientific" means to negotiate their hours and salaries with their employers. Unlike these first initiatives, whose work was declared by Uber and Lyft to be "stealing" and "tampering with the app" in court documents, recently launched data coops aim to manage the entirety of an individual's data. With more European countries seeing the United States' Blue Button Initiative as an example of empowering, citizen-centered data governance, data stewards are gaining traction as a new policy buzzword. An important move towards the data stewardship model of data governance was made in the European Union's Data Governance Act (2020) and is now being realized in the European Union's Data Act (2022). Following the same direction, policies supporting the growing industry of state-licensed data stewards have been proposed in Australia, Brazil, Canada, India, and the United Kingdom. In this presentation, I employ the Governing Knowledge Commons framework (GKC), to analyze the potential of data stewardship model in the governance of smart cities. Drawing on the two-year-long qualitative empirical research, I look at the data stewards' business models and their data governance models. I juxtapose existing data cooperatives with the functional and failed data trusts and data markets, to explore their potential as citizen-centred data-profit initiatives.</p> <p>Respondent: Jiska Engelbert</p>
<p>June 21 1600-1730 2022 Adam Time</p>	<p>Smart grids</p> <p>Q3: To what extent could and should smart grid initiatives become more (of a data) common?</p>	<p>Brenda Espinosa Apráez https://www.tilburguniversity.edu/staff/b-p-espinosaapraez</p> <p>Data commons and the governance of smart meter data: perspectives from EU law and policy.</p> <p>As a result of the increasing digitalization of the electricity sector in the European Union (EU) and the crucial role of energy data in the EU Data Strategy, there is a growing interest in access to smart meter data in the electricity sector and beyond. Actors such as Distribution System Operators (DSOs) and energy suppliers must collect and exchange smart meter data to fulfill the regulatory obligations introduced by EU and national law to ensure the reliable, affordable, and sustainable supply of electricity. On the other hand, access to smart meter data is becoming crucial to enable new energy services which go beyond the mere supply of electricity, such as personalized offers, demand response programs or energy management systems. The importance of creating</p>

		<p>appropriate (legal) frameworks for access to smart meter data in the EU is evidenced by legal and policy developments such as the latest Electricity Directive (EU 2019/944), and the creation of a 'common European energy data space' announced by the European Commission in its 2020 Data Strategy. This presentation examines whether there are any links between the notion of 'data commons' and the data governance mechanisms present in EU law and policy concerning access to smart meter data.</p> <p>Respondent: professor Michael Madison https://www.law.pitt.edu/people/michael-j-madison</p>
<p>June 30 1430-1600 2022 Adam Time</p>	<p>Online advertisement</p> <p>Q4: To what extent could and should online advertisement become more (of a data) common?</p>	<p>Anne Helmond & Fernando van Vlist https://www.annehelmond.nl/ https://www.fernandovandervlist.nl/</p> <p>Assetization and platformization: the significance of data partnerships in social media and the digital advertising industry</p> <p>Anne Helmond, Utrecht University (a.helmond@uu.nl) Fernando van der Vlist, Utrecht University/University of Siegen (f.n.vandervlist@uu.nl)</p> <p>This presentation considers the significance of data partnerships in the integrated platform ecosystem of social media and digital advertising. More specifically, it explores how partners mediate and shape platform power through infrastructure development for the creation, commodification, analysis, and circulation of data audiences. We argue how partners play a key role in the technological and organisational process of platformization, driving the technological expansion and economic growth of digital platforms into other markets, industries, and societal domains through data partnerships. Partners include leading audience intermediaries that shape the creation, buying, modelling, and targeting of data assets and build the business-to-business relationships that integrate social media with the digital advertising market. We present an empirical study of the partnerships of leading social media to situate them in the audience (data) economy and identify aspects of platform power. The presentation highlights the strategic importance of partnerships in the processes of assetization and platformization. Ultimately, our contribution situates platforms, their data assets, and their sources of power within an integrated platform ecosystem. How to think about data commons in relation to the digital advertising industry?</p> <p>Respondent: : Natalia Avlona https://dcode-network.eu/</p>

Workshops hosted by HIIG

The four workshop are scheduled on a monthly basis and start in October 2022. The **aim** of these workshops is to have an in-depth discussion on works in progress by invited participants. **The starting points of these individual contributions will still be the question of how one of these domains relates to the notion of data common, or can and should become a data common.** Participants are advised to familiarize themselves with the recent literature on the topic.

To increase the quality of our discussion, space is limited. If you want to participate, please send an email to Gijs van Maanen (g.vanmaanen@uu.nl) with a short pitch or abstract of your idea. Make sure your idea latches onto one of the three themes (smart cities, smart grids, online advertisement).

If your pitch or abstract is accepted, it is required to send **an extended abstract** (max. 750 words) to Gijs van Maanen two weeks prior to the workshop (see details below). Van Maanen will redistribute all abstracts to all enrolled participants. Participants are expected to have read the work of their colleagues.

Workshop: smart cities and the common

In the beginning of October we will explore the relationships and connected between smart cities and the data common. For some the idea of the smart city is an important ideal we have to do our best to realize it as swiftly as possible, others criticize the term for its techno-solutionist connotations, and the underlying idea that cities should be made more smart, digital, and tech-friendly. The concept of the common is also used in urban contexts to designate places and spaces that should be held in common. A square, for instance, could be considered part of the public or maybe common space because it allows all citizens to be able to get-together. What kind of digital or virtual spaces, places, areas, or things to be found in urban environments could or should be considered as part of the common? Are there 'digital' equivalents of the public square? Are there some areas in the city that could be transformed into some data space? Can data commoning help to combat practices of excessive urban surveillance? Does the common, conceptually speaking, present an alternative to the smart or intelligent city? What does it mean to engage in acts of (g)local urban commoning in the first place? Does it even make sense to delineate the urban commons spatially? And how could an urban data common in the end protect our privacy? **If you want to participate discussing questions like these, please consider submitting an abstract (details below). Deadline: July 31.**

Workshop: smart grids and the common

At the end of October we will zoom in on – arguably – an component of many urban (but also rural) settings: the electricity network. Electricity networks are important infrastructures connecting all sorts of actors. Similar to the 'smart city', electricity networks have become more 'intelligent' over the years, and allow users and producers of electricity to trade electricity with one another. An important second resource generated here is that of data, which allows users to have a better view on their energy consumption, and others to acquire detailed information about citizens' habit, housing quality, and more. But how does one construe a good – however defined – electricity network or infrastructure? How to make sure that privacy is protected? To what extent do consumers have something to say about the way such grids are set-up? Might there be good reasons to communalize this resource-system as well? If so, what does this tell us about our general attempt to conceptualize commons which concern themselves with intangible goods, like data (and electricity)? And how does the electricity cooperative differ from the energy common? **If you know more about electricity or energy and want to explore questions like these, please consider submitting an abstract (details below). Deadline: August 31.**

Workshop: advertisement and the common

In November we discuss the problematic character of the online advertisement industry, and explore the extent to which ideas about commoning might help to generate solutions to this problem. At first and in contrast to the two previous workshops, online advertisement seems to have a less specific or tangible 'audience' which could be enrolled to engage in more common forms of data governance. How would you engage in collective governance if you don't know who's part of the collective being harmed by the advertisement industry? In this workshop we would like to discuss different answers to the question of how the online advertisement industry could be governing in more common ways. Maybe legal procedures would be a methodology to take back control over the platforms targeting us?¹ Or should we 'simply' start from scratch and build alternative privacy-friendly platforms ourselves?² **If you want to participate discussing questions like these, please consider submitting an abstract (details below). Deadline: September 30.**

Concluding session: summary of workshops and discussions

In December we organize the final get-together of our seminar and workshop series on the data commons. We will summarize and present the main findings of our discussions and research so far. **If you want to attend and participate in this last discussion, please send us an email by November 7.**

Format workshops

The **format** of the workshops is partly dependent on the interests of those participating. A 'template' format to be used as a starting point for our discussions, however, is the following:

1. Each participants has 10 minutes to present their idea, followed by 20 min discussion open to all accepted participants.
2. After all four presenters presented and discussed their work, 60 minutes are reserved for a collective brainstorm about the initial starting questions, and further directions of research.
3. There are different ways this discussions go, e.g.:
 - a. Discuss directions individual research;
 - b. Discuss collective funding applications;
 - c. Discuss collective publication strategies.
4. These discussions could take place
 - a. 'Within' a domain. E.g. the 'smart city' groups discusses smart city & data commons-related calls for applications for funding.
 - b. 'Across' domains. E.g. the smart grid group and the advertisement group see sufficient thematic overlap to collaborate on the data commons. This is the preferred level of discussion.

The final workshop in December will be a concluding sessions wherein Gijs van Maanen presents the main take-aways of all seminars and workshops. Sufficient time will be reserved for a proper domain-transcending discussion.

The **goals** of each workshop are the following:

- Organize an in-depth discussion on the data commons in a specific societal domain.
- Exchange feedback on extended abstracts.
- Discuss further directions of research, especially opportunities to apply for funding together.

¹ <https://collectivize.org/>.

² <https://www.plutobooks.com/9780745346977/platform-socialism/>; <https://pubhubs.net/>.

The four workshops take place in a hybrid fashion, meaning in at the HIIG in Berlin and online. It is possible for participants of a workshop to virtually attend the discussions of other workshops.

A preliminary schedule of these workshops can be found in table 2.

Table 2: Overview workshops HIG Berlin

Month	What	Whom (preliminary)
6-7 October 2022	Smart cities	<p>Michiel de Lange, Gijs van Maanen, Jörg Pohle (host at HIG), Nadya Purtova, Anna Arthyushina (presenter smart cities)</p> <p>Deadline abstracts: July 31 Acceptance by: August 7</p>
27-28 October 2022	Smart grids	<p>Michiel de Lange; Gijs van Maanen, Jörg Pohle, Brenda Espinosa Apráez (presenter smart grids), Nadya Purtova</p> <p>Deadline abstracts: August 31 Acceptance by: September 7</p>
<p>21-22 November 2022*</p> <p>*23-25 November there will be an interesting conference on infrastructures of autonomy at the HIIG: https://www.hiig.de/en/events/infrastructures-of-autonomy/</p>	Online advertisement	<p>Michiel de Lange; Gijs van Maanen, Jörg Pohle, Nadya Purtova, Anne Helmond and Fernando van Vlist</p> <p>Deadline abstracts: September 30 Acceptance by: October 7</p>
15 December 2022	Concluding session; summary of seminars and workshops.	<p>Michiel de Lange; Gijs van Maanen, Jörg Pohle, Nadya Purtova</p> <p>Please let us know if you want to attend and participate in the discussion by November 7.</p>

Organisation

Gijs Van Maanen is a main organizer of this workshop. He is postdoctoral researcher at Utrecht University (Utrecht, NL), and research fellow at the Alexander von Humboldt Institute for Internet and Society (Berlin, GER). Part of his research in Utrecht and Berlin is the organization of a number of workshops and discussion sessions on specific themes or practices: smart cities, smart grids, and online advertisement. More information can be found here:

<https://www.uu.nl/medewerkers/GvanMaanen>. Contact info: g.vanmaanen@uu.nl.

The following individuals and related institutions are involved in this initiative:

Prof. dr. Nadya Purtova

Purtova is professor of Law, Innovation and Technology at the Molengraaff Institute for Private Law, which is part of the Faculty of Law, Economics, and Governance of Utrecht University, the Netherlands. Purtova is Principal Investigator of the ERC project INFO-LEG, of which Van Maanen is also part. More information can be found here: <https://www.uu.nl/staff/NNPurtova>; <http://infolegproject.net/>.

Dr. Jörg Pohle

Pohle is a postdoctoral researcher at the Alexander von Humboldt Institute for Internet and Society (HIG) in Berlin, and heads the research programme “Data, actors, infrastructures: The governance of data-driven innovation and cyber security”. He also heads the project “Global Privacy Governance” that focuses on societal negotiations in the field of privacy, surveillance, IT security and data protection. More information can be found here: <https://www.hiig.de/en/jorg-pohle/>.

Dr. Michiel de Lange and Dr. Erna Ruijter

Michiel de Lange and Erna Ruijter represent the special interest group Inclusion in the Datafied City, which is one of the subthemes of the faculty-transcending focus area ‘Governing the Digital Society’ of Utrecht University. Michiel de Lange is an Assistant Professor in New Media Studies, Department of Media and Culture Studies, Utrecht University; co-founder of [The Mobile City](#), a platform for the study of new media and urbanism; and works as a researcher in the field of (mobile) media, urban culture, identity and play. Currently, Michiel is the co-lead of a NWO-funded Smart Culture – Creative Cities project called “[Designing for Controversies in Responsible Smart Cities](#)”, a collaboration with UTWente and a large consortium of societal partners. More information can be found here: <https://www.uu.nl/staff/MLdeLange>.

Erna Ruijter is assistant professor at the Utrecht University School of Governance (USG). She worked as a researcher in the multidisciplinary EU Horizon 2020 project ROUTE-TO-PA. In this three year project she worked with 12 partners from 6 different countries. Her research activities focus on the re-use of open data for public problems, data and social equity, and data collaboratives. Erna teaches in the bachelor and master program. Erna obtained her Ph.D. in Public policy and Administration at the Douglas Wilder School of Government and Public Affairs, Virginia Commonwealth University, USA. More information can be found here: <https://www.uu.nl/staff/HJMRuijter>.

Acknowledgements

Gijs van Maanen is being funded and part of Nadya Purtova’s INFO-LEG project funded by ERC (StG 716971). INFO-LEG is a research project looking to improve legal protection of people against harms associated with automated processing of information (‘information-induced harms’). We aim to achieve this by studying information and how it relates to people from the perspectives of law, economics, and information studies.

ⁱ Mélanie Dulong de Rosnay and Felix Stalder, “Digital Commons,” *Internet Policy Review* 9, no. 4 (December 17, 2020), <https://policyreview.info/concepts/digital-commons>; Jan J. Zygmuntowski, Laura Zoboli, and Paul F. Nemitz, “Embedding European Values in Data Governance: A Case for Public Data Commons,” *Internet Policy Review* 10, no. 3 (September 30, 2021), <https://policyreview.info/articles/analysis/embedding-european-values-data-governance-case-public-data-commons>; Marina Micheli et al., “Emerging Models of Data Governance in the Age of Datafication,” *Big Data & Society* 7, no. 2 (July 1, 2020): 2053951720948087, <https://doi.org/10.1177/2053951720948087>.

ⁱⁱ Massimo De Angelis, *Omnia Sunt Communia: On the Commons and the Transformation to Postcapitalism* (London: Zed Books, 2017.), 10. As cited by de Rosnay and Stalder.

ⁱⁱⁱ Zygmuntowski, Zoboli, and Nemitz, “Embedding European Values in Data Governance,” 18.

^{iv} See e.g., Rosnay and Stalder, “Digital Commons,” 4.

^v See also, Ulises A. Mejias and Nick Couldry, *The Costs of Connection: How Data Is Colonizing Human Life and Appropriating It for Capitalism* (Stanford: Stanford University Press, 2019); Julie E. Cohen, *Between Truth and Power: The Legal Constructions of Informational Capitalism* (New York, NY: Oxford University Press, 2019); Jathan Sadowski, *Too Smart: How Digital Capitalism Is Extracting Data, Controlling Our Lives, and Taking Over the World* (Cambridge, MA, USA: MIT Press, 2020).

^{vi} Salomé Viljoen, “A Relational Theory of Data Governance,” *The Yale Law Journal* 131, no. 2 (2021): 573–654.