

Program: Governance Innovation for Cross-border Data Flows

12:00pm - 12:15pm Welcome

- Paul Fehlinger, Deputy Executive Director, Internet & Jurisdiction Policy Network
- Hiroki Habuka, Deputy Director for Global Digital Governance, Ministry of Economy, Trade and Industry, Japan
- Stefan Schnorr, Director General, Digital and Innovation Policy, Germany - Ministry for Economic Affairs and Energy

12:15pm - 12:45pm Session 1: We Need to Talk about Data

Presentation and feedback on the findings of the I&JPN Report “We Need to Talk About Data: Framing the Debate Around the Free Flow of Data and Data Sovereignty”

Presentation: Lorraine Porciuncula, Director, Data & Jurisdiction Program, Internet & Jurisdiction Policy Network

Discussion:

- Sasha Rubel, Programme Specialist, Digital Innovation and Transformation, UNESCO
- Anne Flanagan, Data Policy & Governance Lead, World Economic Forum
- Jeni Tennison, Chief Executive Officer, Open Data Institute

12:45pm - 1:25pm Session 2: Governance Innovation for Cross-border Data Flows

Presentation of the findings of the Government of Japan Report “Governance Innovation Version 2” and its implications on addressing cross-border data flows policy issues outlined in Session 1.

Presentation: Hiroki Habuka, Deputy Director for Global Digital Governance, Ministry of Economy, Trade and Industry, Japan

Discussion: Are existing tools and processes sufficient to enable and govern cross-border data flows?

- Ren Ito, Vice President, Global Strategy, Mercari, Senior Fellow, New York University (NYU) School of Law
- Mario Cimoli, Deputy Executive Secretary, UN ECLAC
- Urs Gasser, Executive Director, Berkman Klein Center for Internet & Society at Harvard University
- Carolyn Nguyen, Director, Technology Policy, Microsoft

1:25pm - 1:35pm Coffee break

1:35pm - 2:35pm Session 3: Consultations on Moving Forward

Interactive exchange on how to organize the necessary debate on innovation and new governance models needed to support cross-border data flows and identify areas of convergence among actors. What should be the way forward for follow-up activities of the Internet & Jurisdiction Policy Network on the future of cross-border data flows?

Moderator: Bertrand de La Chapelle, Executive Director, Internet & Jurisdiction Policy Network

Multistakeholder consultations:

- How to best organize a larger global debate and bridge silos between different processes?
- How to progress the much needed understanding of concrete challenges (e.g., per countries, regions, or per sectors)?
- How to explore innovative solutions (tools, frameworks, concepts) for the creation of social and economic well-being for all?

Lead discussants:

- Robyn Greene, Privacy Policy Manager, Facebook
- Raúl Echeberría, Executive Director, Latin American Internet Association
- Eva Sow Ebion, Director, i4Policy
- Masakazu Masujima, Partner, Mori Hamada & Matsumoto
- Demi Getschko, Chairperson, Brazilian Network Information Centre, NIC.br

2:35pm - 3:00pm Closing remarks

Moderator: Lorraine Porciuncula, Director, Data & Jurisdiction Program, Internet & Jurisdiction Policy Network

- Vint Cerf, Co-Founder of the Internet and Vice President, Google
- Audrey Plonk, Head of Digital Economy Policy Division, OECD
- Roger Dubach, Ambassador, Deputy Director, Directorate of International Law, Federal Department of Foreign Affairs
- Stefan Schnorr, Director General, Digital and Innovation Policy, Germany - Ministry for Economic Affairs and Energy
- Yoichi Ogasawara, Deputy Director-General for IT Strategy, Commerce and Information Policy Bureau, Japan (METI)

ANNEX

ABOUT THE METI REPORT ON GOVERNANCE INNOVATION VERSION 2

In March 2021, an expert group established under METI published a draft report titled "GOVERNANCE INNOVATION Ver .2: A Guide to Designing and Implementing Agile Governance" which tries to provide an innovative governance framework for a society based on Cyber-Physical Systems. The report suggests implementing forms of "Agile Governance" that are designed to continuously and rapidly run cycles of "conditions and risks analysis," "goal setting," "system design," "operations," "evaluation," and "improvements" with multi-stakeholders in various governance mechanisms, such as corporate governance, regulations, infrastructures, markets, and social norms.

ABOUT THE I&JPN FRAMING REPORT: WE NEED TO TALK ABOUT DATA: FRAMING THE DEBATE AROUND THE FREE FLOW OF DATA AND DATA SOVEREIGNTY

On the one hand, "free flow of data across borders" is advocated by many as a critical enabler of digital transformation, innovation, economic growth and social benefits. At the same time, various concerns related to privacy, taxation, competition, security, and even the democratic process, have prompted policy initiatives invoking the notion of "data sovereignty".

This framing report seeks to unpack these two polarizing expressions to better understand actors' perspectives, and shift the debate towards reconciling apparently conflicting approaches. It is organized in three self-explanatory parts – Data, Free Flows of Data, and Data Sovereignty – and concludes, in Moving Forward, with a call to reframe the discussion, harness emerging innovative approaches, and engage in a much needed global, multistakeholder and cross-sectoral debate.

When preparing this report, the I&JPN Secretariat held consultations with over 150 stakeholders in the form of virtual roundtables, individual interviews and a public survey. The goal of the report is not to provide a comprehensive overview of all the issues and stakeholder views, but to offer a holistic snapshot of the concerns and prominent perspectives to kick-start further debate. Building the methodology for addressing the problems of the digital age is as important as addressing the problems themselves. Developing a common framing of issues is a prerequisite. The I&JPN Secretariat hopes that this report will be the first step in developing a more nuanced and collaborative space for discussion on how to organize our common datasphere.

The list below provides an overview of the policy actors who engaged in individual meetings and roundtables with the I&JPN Secretariat. The report has however been drafted under the sole responsibility of the I&JPN Secretariat and does not engage the actors listed. The I&JPN Secretariat is grateful to the German BMWi for its support and thankful for all those who shared their expertise and experience which helped the production of the report:

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ABOUT THE INTERNET & JURISDICTION POLICY NETWORK

The Internet & Jurisdiction Policy Network is the leading multistakeholder organization addressing the tension between the cross-border internet and national jurisdictions. Its Secretariat facilitates a global policy process engaging over 400 key entities from governments, the world's largest internet companies, technical operators, civil society groups, academia, and international organizations from over 70 countries. Stakeholders currently work in three Programs (Data & Jurisdiction, Content & Jurisdiction, and Domains & Jurisdiction) to jointly develop policy standards and operational solutions to pressing legal challenges at the intersection of the global digital economy, human rights, and security. The organization is also the home of the world's first Internet & Jurisdiction Global Status Report and knowledge mutualization activities include regional and thematic reports as well as the I&J Retrospect Database.

The regular Global Conferences of the Internet & Jurisdiction Policy Network are institutionally supported by the Council of Europe, European Commission, ICANN, OECD, United Nations ECLAC, and UNESCO. Partner countries include France (2016), Canada (2018), and Germany (2019). Recognizing the contribution of the Internet & Jurisdiction Policy Network to global governance, the work of the organization was presented to the G20 digital track, recognized by the G7 Cyber Group, one of only 40 worldwide initiatives especially showcased at the inaugural Paris Peace Forum gathering over 80 heads of government and IGOs, featured as an example in the 2020 Report "Governance Innovation Society 5.0" of Japan launched together with the OECD, and highlighted as a global cooperation mechanism by the 2020 UN Secretary General HLP Report on Digital Cooperation. The work of the organization has been covered in top media outlets such as The Economist, Washington Post, Financial Times, Politico or Fortune. The organization is financially supported by a uniquely diverse coalition of over 20 governments, companies, and organizations.