



Wilton Park



Report

## **Responsible Data Sharing with Donors: Accountability, Transparency and Data Protection in Humanitarian Action**

Thursday 17 - Friday 18 September 2020 | WP1777V

In partnership with:

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# Responsible Data Sharing with Donors: Accountability, Transparency and Data Protection in Humanitarian Action

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In association with the Government of Switzerland, the International Committee of the Red Cross (ICRC), and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Centre for Humanitarian Data

This Wilton Park Dialogue offered a platform to address the issue of responsible data sharing with donors in humanitarian action. It was organised within the Humanitarian Data and Trust Initiative<sup>1</sup>, launched earlier this year by the Government of Switzerland, the International Committee of the Red Cross (ICRC) and the United Nations Office for Coordination of Humanitarian Affairs (UN OCHA) Centre for Humanitarian Data.

The dialogue aimed to clarify two elements:

- The **specific purposes for requests for disaggregated data**<sup>2</sup> by donors.
- The **specific risks associated with such data sharing** in humanitarian operations.

The dialogue focused specifically on fostering open exchange between humanitarian actors and donors<sup>3</sup> as a way of building common understanding of these issues and identifying key open questions for further joint exploration. In this way, it aimed to complement and add value to other ongoing dialogues and initiatives, including the Grand Bargain Risk Sharing Initiative and the Good Humanitarian Donorship Initiative, co-chaired by Switzerland and EU/ECHO.

The outcomes of this dialogue and the subsequent consultations, follow-up dialogues and joint research and learning activities will inform the drafting of commonly agreed principles or guidelines related to the responsible sharing of data with donors. These principles and/or guidelines will complement existing guidance and contribute to further collective action in this area. They will be presented, *inter alia*, at the UN World Data Forum in October 2021.

### Key points

This report draws together the discussions from the plenary and breakout sessions and offers a summary of the key outcomes and next steps from the two-day virtual dialogue. Critically, it identifies the key open questions related to responsible data sharing with donors. These questions and related commitments mentioned above will inform further

<sup>1</sup> For more information on the HDTI, see: [https://centre.humdata.org/wp-content/uploads/2020/09/Humanitarian\\_Data\\_and\\_Trust\\_Initiative\\_HDTI\\_concept-09.2020.pdf](https://centre.humdata.org/wp-content/uploads/2020/09/Humanitarian_Data_and_Trust_Initiative_HDTI_concept-09.2020.pdf)

<sup>2</sup> Disaggregated data refers to data that is broken down by one or more sub-categories; e.g. sex, age, disability, location, etc.

<sup>3</sup> Donors: Participants were State-based donors (not foundations or private philanthropy) who are major contributors to international and humanitarian organisations. The organisers felt it was important to work in a stepwise manner by starting a dialogue with major donors and large humanitarian organisations that could then feed into subsequent processes of engagement with other actors – such as other donors, host-states, additional humanitarian organisations (international and local) and affected populations.

research, consultations, and dialogue under the auspices of the Humanitarian Data and Trust Initiative.

- Humanitarian organisations are facing increased incentives to collect and share data for various purposes such as improved coordination, more efficient service provision and accountability. At the same time, they have to ensure that data is exclusively used for humanitarian purposes and does not cause harm to vulnerable populations. These ambitions often lead to contradictory practices: sharing more disaggregated data while also increasing efforts to anonymise and otherwise protect data.
- This dilemma is particularly relevant in the ongoing dialogue between donors and humanitarian organisations vis-à-vis data sharing in principled humanitarian action. Donors' interest in more detailed data has only increased in recent years.
- The **specific purposes or objectives for increased requests for disaggregated data** by donors include (a) compliance with legal, regulatory, and policy requirements; (b) accountability and transparency; (c) and programme design and monitoring. These can lead to diverse requirements that are not always commonly understood by stakeholders.
- The **specific risks or constraints associated with such data sharing** in humanitarian operations include (a) risk of re-identification that can lead to increased vulnerability, discrimination or violence; (b) lack of a clear regulatory framework for responsibly managing group data; (c) incentives and power dynamics around data sharing; (d) potential use of data beyond intended scope and/or for non-humanitarian purposes; (e) reputational risk of data sharing; (f) gaps in capacity and practical implementation of guidance; and (g) violation of privacy and other fundamental human rights.
- Across these two areas, a number of **open questions** require further examination. Participants committed to address these open questions collectively, including through **field-based case study development**, drafting of a **guidance note on responsible data sharing with donors**, and **desk-based research to review existing formal and informal donor requirements** for disaggregated data sharing and generating a white paper synthesising key findings.

### **Purposes and objectives for increased requests for disaggregated data by donors**

1. In recent years, humanitarian organisations have seen a rise in requests for disaggregated data – excluding financial data<sup>4</sup> – from donors.
2. Despite the increased frequency of such requests, the objectives or purposes for which donors wish to access this data have not been clearly articulated nor understood by the broader humanitarian community.
3. The dialogue identified **three primary objectives driving donor requests for disaggregated data**: (a) compliance with legal, regulatory, and policy requirements; (b) accountability and transparency; (c) and programme design and monitoring.
4. **Legal, regulatory, and policy requirements**. While nations have different legal, regulatory, and policy requirements, common considerations in this area include sanctions, counter-terrorism/material-support, migration, and law enforcement compliance. Some donor States indicated that their robust requirements will continue to lead them to make a number of requests for data. However, for some requirements (e.g. law enforcement inquiries), concerned States shared that the requests should be very precise and limited (not, for instance, requesting beneficiary lists). Other

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<sup>4</sup> Because there are well-established and accepted standards and mechanisms for sharing financial information with donors, including a role for external audits, requests for such data were not part of the dialogue.

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donors expressed that they do not request this type of information.

5. **Accountability and transparency.** Donors face increased scrutiny on aid effectiveness in both the public and political realms. More information is being requested to help explain/defend funding on foreign aid to taxpayers, including through parliamentary inquiries.
6. **Programme design and monitoring.** A number of donors have placed increased emphasis on certain categories of programming, such as Accountability for Affected Populations (AAP), Diversity and Inclusion (D&I) and combating sexual and gender-based violence (SGBV). To effectively monitor this type of programming – where one is looking not only at what is being distributed, for instance, but who is being consulted and who is receiving support – some donors feel more granular data is necessary.

In certain contexts – notably conflict settings with a high degree of insecurity, such as Yemen and Syria – donors may have limited access to the field and thus not be able to do direct monitoring of programmes. In such circumstances, donors often request more data from humanitarian organisations to improve their own programme design and monitoring. In some instances, these requests may be motivated by other, non-humanitarian uses for disaggregated data that are not always made explicit.

7. Building on a shared understanding of the objectives outlined above, the dialogue identified the following **open questions regarding the objectives for donor requests for disaggregated data**:
  - a. **What are the actual formal/hard and informal/soft objectives of data sharing and how are these currently communicated and understood?** While some donors have specific policies to guide data sharing and include the objectives and/or requirements for data sharing in standard grant agreements, most donors still lack such formal/hard requirements. Even for those donors with clearly specified *formal* objectives and requirements for data sharing, *informal* requests are still made in many contexts. At the system level, donors and humanitarian organisations need more clarity on the formal and informal requirements for disaggregated data sharing, how these are currently codified and communicated, and how well and consistently they are understood by donor and humanitarian organisation staff.
  - b. **What information do donors need to satisfy their purposes or objectives?** Donors’ information needs related to programme design and monitoring may not always require access to data. In some cases, dialogue on a given topic or question related to a donor request for data may be more useful than the data itself. When data is indeed required, more “macroscopic” outcome data might be more useful for donors and easier for humanitarian organisations to share than programmatic data.
  - c. **How do donors’ requirements and requests for data influence the broader data ecosystem<sup>5</sup> in a given response context, and how could an improved understanding of the data ecosystem enable donors to make more responsible requests?** Donors have taken on an increasingly important role in the humanitarian data ecosystem, both as drivers of increased data collection and users of humanitarian data themselves. Giving donors more visibility on the data ecosystem - including how and why data is collected, the tools in use, and the purposes for which humanitarian organisations collect it - may help donors target their requests for data in a more precise and responsible way.

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<sup>5</sup> The data ecosystem consists of all data management activities in a given response context, including the scale, scope, and types of data being processed, stakeholders involved, data flows between different actors, and processes and platforms in use.

## Risks and constraints associated with sharing disaggregated data with donors

8. In addition to identifying objectives of data sharing with donors, this dialogue aimed to clarify the constraints and risks associated with data sharing. Humanitarian data is often high-risk, especially when it can help identify communities and individuals or reveal otherwise sensitive information. When requesting or sharing humanitarian data, **donors and partners must understand the sensitivity of the data they request and share**, and assess the risks related to the management of such data.
9. The dialogue identified **seven risks and constraints regarding data sharing with donors**: (a) risk of re-identification; (b) lack of a regulatory framework for responsibly managing group data; (c) perverse incentives and power dynamics around data sharing; (d) potential use of data beyond intended scope and/or for non-humanitarian purposes; (e) reputational risk of data sharing; (f) gaps in capacity and practical implementation of guidance, and (g) violation of privacy and other fundamental human rights.
10. **Risk of re-identification that can lead to increased vulnerability, discrimination or violence**: A key risk of sharing even seemingly anonymised personal data is the potential for re-identification of individuals, communities and demographic groups, which can place already vulnerable people and communities at even greater risk. Sensitive data is data that, if disclosed or accessed without proper authorisation, is likely to cause harm to any person, including the source of the data or other identifiable persons or groups, or have a negative impact on an organisation's capacity to carry out its activities.
11. **Lack of regulatory framework for responsibly managing group data**: Protecting groups and their data remains particularly challenging in the humanitarian sector due to both the current gaps in regulation and guidance and the overall lack of understanding regarding the sensitivity of disaggregated group data. In its essence, group data is sensitive data and should as such be shared responsibly and according to existing data protection standards. Additional measures, such as Statistical Disclosure Control (SDC), should be taken by agencies to further prevent re-identification.
12. **Incentives and power dynamics around data sharing**: Data is not neutral and cannot be shared as if it were. Data sharing is not only about what donors explicitly ask, but also about what they implicitly encourage. If only proposals for funding that are highly detailed and data-heavy, even where this was not explicitly encouraged, are rewarded by donors, this may create a powerful incentive for organisations to maximise their data collection activities rather than move towards data minimisation.
13. **Potential use of data beyond intended scope and/or for non-humanitarian purposes**: Data can also be processed and shared further with other government departments and entities, beyond the intended scope, used out of context and potentially in a malicious manner. Governments might wish to connect their different ministries' systems by sharing this data, but this should only be done in accordance with the terms and conditions under which the data was originally shared.
14. **Reputational risk of data sharing**: For organisations, providing data to governments, even when legitimate, can be misinterpreted by third parties as providing intelligence, or as a violation of domestic data protection frameworks, which can have a negative impact on the organisation's ability to do its work safely and reduce its access to affected people and areas. Organisations want to prevent harm to their reputation and outwards perception, including their real or perceived impartiality and neutrality.
15. **Gaps in capacity and practical implementation of guidance**: Where data responsibility guidelines, standards and principles do exist, their use and application remains inconsistent at various levels and depends heavily on the expertise of field-

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based staff and their individual risk assessments for data sharing. For both donors and humanitarian actors, many staff in both HQ and field locations lack advanced data literacy and are often simply not aware of the risks of data sharing with donors. The inconsistent application is further aggravated by donor requests if these requests push humanitarian actors to share sensitive and disaggregated data that staff are not properly trained to handle in accordance with **current guidelines**.

16. **Violation of privacy and other fundamental human rights:** Sharing disaggregated data might lead to violation of largely accepted standards of data protection and privacy<sup>6</sup>. They are essential for humanitarian organisation as a part of protecting the life, integrity and dignity of the affected population. Data sharing is bound by these principles that include the principle of fairness and lawfulness, the principles of purpose limitation and proportionality, the principle of data minimisation, and specific rules for processing sensitive data. These principles are in addition to the obligation to ensure respect of data subjects' rights.

17. Building on a shared understanding of the constraints outlined above, the dialogue identified the following **open questions regarding the risks and constraints of sharing programmatic data with donors**:

- a. **What types of disaggregated data are actually being shared with donors by humanitarian organisations?** The dialogue identified a need to move beyond anecdotal stories of disaggregated data being shared to more concrete examples of this happening in practice. It is essential that humanitarian organisations clearly identify the circumstances under which they are honoring donors' requests for increasing disaggregated data, as well as any implications of doing so (e.g. in what ways does such data sharing build or undermine trust between donors and humanitarian organisations and/or within the broader response community?).
- b. **What are the actual risks and harms associated with data in humanitarian contexts?** Both donors and organisations struggle to describe real consequences and actual harm associated with data sharing, which are not sufficiently understood or documented. Specifically, donors pointed out that organisations need to better articulate the risks related to data sharing and collection, which would help donors to make better, more responsible requests, in line with a common understanding of the risks and benefits associated. Risks should be named explicitly and mitigation measures identified in advance in order to make better decisions related to data sharing.
- c. **Which guidelines or principles and potential mitigation measures would limit the identified risks of data sharing?** Data responsibility and minimisation in the humanitarian sector have been recently discussed and addressed, notably in the UN OCHA's Data Responsibility guidelines<sup>7</sup>. A previous Wilton Park dialogue on "*Data responsibility in humanitarian action: from principle to practice*" (WP1688) confirmed the importance and the complexity of the topic. It also recognised the need for a specific dialogue on data sharing between humanitarian organisations and donors to identify jointly agreed principles and/or guidelines.
- d. **What resources (human, financial, technical) are required to responsibly satisfy donors' data-related purposes and objectives?** At a time of increasing: i) budgetary constraints felt by many donors, ii) requests for data by

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<sup>6</sup> Based notably on international instruments such as: the UN Principles on Personal Data Protection and Privacy, adopted by the UN High-Level Committee on Management (HLCM) at its 36th Session on 11 October 2018; and the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108), including Protocol CETS No. 223 amending the Convention (now known as Convention 108+)

<sup>7</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 2019. Working Draft Data Responsibility Guidelines: <https://centre.humdata.org/wp-content/uploads/2019/03/OCHA-DR-Guidelines-working-draft-032019.pdf>.

donors, and iii) legal, policy and ethical obligations for protecting data, what is the “right” capacity at donor and humanitarian organisations to responsibly navigate the requests for data?

### **Next steps: roadmap for joint research and learning**

18. Participants identified a number of opportunities for joint research and learning by donors and humanitarian organisations as a way to build on the outcomes of the dialogue. These opportunities should contribute in different ways to answering the *open questions* about the objectives and constraints to donor data sharing described above.
19. Under the auspices of the Humanitarian Data and Trust Initiative, the following activities will be carried out in the immediate term. *NB: Organisations leading the different activities are indicated below. Participants interested in contributing to a particular activity are encouraged to contact the lead organisation:*
  - a. **Field-based research / case study development** (ICRC leading). The specific responsibility of humanitarian organisations vis-à-vis personal data of affected populations was noted, particularly in challenging situations such as armed conflict and other humanitarian emergencies. ICRC will commission independent research by a reputable academic or research institution. The research will focus on analysing the risks related to the sharing of data stemming from humanitarian operations. A key output will be the development of scenarios to enable Wilton Park participants to explore and discuss how to balance needs, risks and opportunities linked to the sharing of aggregated/disaggregated data when reporting to donors. The case studies will explore several scenarios to reflect the variety of potential situations in terms of humanitarian contexts, programme types, scales of intervention and corresponding size of data sets, and data disaggregation requests. The independent study report will encourage Wilton Park participants to discuss and refine a standard set of questions to be considered in order to determine parameters for responsible sharing of disaggregated data by humanitarian organisations with donors, with a view to define commonly agreed principles and guidelines on data sharing for reporting purposes.
  - b. **Guidance note on responsible data sharing with donors** (OCHA Centre for Humanitarian Data leading): The dialogue demonstrated the need to clarify key concepts and establish a document of reference outlining the current landscape of donor requests for disaggregated data, the objectives driving these requests, and the risks and constraints facing humanitarian organisations when asked to share such data. The Centre will lead on the drafting of a Guidance Note<sup>8</sup> on Responsible Data Sharing with Donors to help meet this need. In addition to clarifying key concepts for the ongoing dialogue and joint research and learning agenda, the Guidance Note also aims to advance practical action on this critical issue by offering a set of recommendations for ways in which donors and humanitarian organisations can more effectively navigate this area.
  - c. **Desk-review of formal and informal donor requirements for disaggregated data sharing** (OCHA Centre for Humanitarian Data leading): The required data formats and components differ by donor, and often come via both codified and unofficial requests for data and information. What formal or informal frameworks govern the collection and sharing of these data? How are these frameworks and the related requirements understood by donors and humanitarian organisations? A desk-based review of donor policies, contractual language, and related guidance will be supplemented by expert interviews to better understand the formal and informal requirements for disaggregated data sharing.

<sup>8</sup> The note will be published as part of a series of guidance notes on data responsibility in humanitarian action that the Centre is producing with support from the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO).

20. To complement these activities, the Government of Switzerland, the ICRC, and the OCHA Centre for Humanitarian Data will continue to convene strategic dialogues with different stakeholders in the humanitarian system. This will include an in-person event at Wilton Park in the United Kingdom, planned to take place in mid 2021<sup>9</sup> as the second phase of the present dialogue process. The results of the dialogue process will be presented at a high-level side-event at the UN World Data Forum in Bern, Switzerland, in October 2021, and inform further engagement on these issues.

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Wilton Park | November 2020

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<sup>9</sup> The timing of the in-person dialogue will depend on constraints related to the ongoing COVID-19 pandemic.



## References

[Data responsibility in humanitarian action: from principle to practice, organised in association with the Centre \(WP1688\)](#)

[Digital Dignity in armed conflict: a roadmap for principled humanitarian action in the age of digital transformation, organised in association with the ICRC, Norway, and Switzerland \(WP1698\)](#)

HPG background paper for Wilton Park 1777 meeting: Responsible data sharing with donors - Accountability, transparency and data protection in principled humanitarian action (available on request).

[Humanitarian Data and Trust Initiative](#)

## Glossary

This short glossary aims at clarifying notions related to Privacy and Data Protection mentioned during the dialogue, keeping in mind the identified objective to clarify further a common understanding around these notions.

Source: Unless specified otherwise, the following definitions are based on widely accepted internationally-recognised Data Protection standards as per the [Handbook on Data Protection in Humanitarian Action](#).

**Anonymisation** is defined as encompassing techniques that can be used to ensure that data sets containing Personal Data are fully and irreversibly anonymised so that they do not relate to an identified or identifiable natural person, or that the Data Subject is not or no longer identifiable.

**Data minimisation** seeks to ensure that only the minimum amount of Personal Data is processed to achieve the objective and purposes. Data minimisation requires limiting Personal Data Processing to the minimum amount and extent necessary.

**Demographically Identifiable Information (DII)** as well referred to as **Group Data**: Data points that enable the identification, classification, and tracking of individuals, groups, or multiple groups of individuals by demographically defining factors. These may include ethnicity, gender, age, occupation, and religion. This may also be referred to as Community Identifiable Information that specifically identifies certain groups or communities. [Source: OCHA Centre for Humanitarian Data Glossary: <https://centre.humdata.org/glossary/> ]

**Personal Data** means any information relating to an identified or identifiable natural person. This covers personally identifiable information (PII) but it is not limited to it. Non-PII, such as cookies, may also be considered personal data since the traces it leaves, in particular when combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them.

**Personally Identifiable Information (PII)**, also called “direct identifiers”, are variables that reveal directly and unambiguously the identity of a respondent, (e.g. names, social identity numbers). [Source: OCHA Centre for Humanitarian Data Glossary: <https://centre.humdata.org/glossary/> ]

The terms **Privacy Laws** and **Data Protection Laws** are sometimes used interchangeably, even though they may refer to distinct international, regional or national instruments and standards. More than a hundred specific data protection laws and norms have been adopted at national and regional levels in recent years, and Personal Data protection as a fundamental right is gaining wider acceptance around the world.

**Processing** means any operation or set of operations which is performed on Personal Data or sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment, combination or erasure.

**Further Processing** means additional Processing of Personal Data that goes beyond the purposes originally specified at the time the data were collected.

**Re-identification** describes the process of turning allegedly anonymised data back into Personal Data through the use of data matching or similar techniques. If the risk of re-identification is deemed to be reasonably likely, the information should be considered to be Personal Data and subject to all the Data Protection principles. It can be very difficult to assess the risk of re-identification with absolute certainty.

**Right to be forgotten** (right to erasure) gives individuals the right to ask organisations to delete their personal data particularly when they no longer consent to processing, when there are significant errors within the data, or if they believe information is being stored unnecessarily. This is not an absolute right, so is not applicable in every case. *[Source: GDPR <https://gdpr.eu/right-to-be-forgotten/> ]*

**Sensitive data** is data that, if disclosed or accessed without proper authorisation, is likely to cause harm to any person, including the source of the data or other identifiable persons or groups, or a negative impact on an organisation's capacity to carry out its activities or on public perceptions of that organisation. *[Source: OCHA Data Responsibility Guidelines: <https://centre.humdata.org/wp-content/uploads/2019/03/OCHA-DR-Guidelines-working-draft-032019.pdf> ]*

**Statistical disclosure control** (SDC) is a technique used to assess and lower the risk of a person or organisation being re-identified from the analysis of microdata (Data on the characteristics of units of a population (e.g. individuals, households or establishments) collected by a census, survey or experiment is referred to in statistics as 'microdata'). *[Source: OCHA's Guidance Note on SDC: [https://centre.humdata.org/wp-content/uploads/2019/07/guidance\\_note\\_sdc.pdf](https://centre.humdata.org/wp-content/uploads/2019/07/guidance_note_sdc.pdf) ]*