Internet Society
Delhi Chapter

30 May, 2020

Ministry of Electronics and Information Technology (MeitY)
Government of India

Sub: Internet Society India Delhi Chapter's response to the consultation paper on National Open Digital Ecosystem (NODE)

Dear Sir/ Madam,

At the outset, we the Internet Society India Delhi Chapter (ISOC Delhi) wish to thank MeitY for giving us the opportunity to submit our comments for developing the National Open Digital Ecosystem

Please find enclosed a copy of our comments in response to the questions raised in the consultation paper.

Thanking you.

Yours sincerely,
For ISOC Delhi

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ISOC Delhi's response to the consultation paper on National Open Digital Ecosystem (NODE)

We thank the Ministry of Electronics and Information Technology (MeitY) for initiating this consultation process towards developing the Strategy for National Open Digital Ecosystems (NODE).

We would request MeitY to continue adhering to the multistakeholder process of decision making at every level, while finalising the strategy paper on NODE, since it is a more inclusive approach in policy development and decision making. This approach also reduces the risks of creating a set of priorities that reflect only the interests of any one entity or stakeholder group.

As this strategy paper is still work in progress, we would recommend that the white paper:

- Clearly define the scope and objectives of the NODE.
- Elaborate how the NODE would harmonise and integrate with existing frameworks.
- How the rights of users and their data (both personal and non personal) would be protected, in the scenario where India still does not have a Personal Data Protection law.
- Provide more details on the implementation strategy of the NODE such as: level of standardisation across nodes, ensuring security of the NODEs, the scope of the public private partnership, ownership rights, standards and levels of access and data sharing, etc.

ISOC Delhi's Response to the questions:

Question 1: Please comment on the guiding principles defined in Section 4 and indicate whether there are any principles you would add/ amend/ drop. Please provide reasons for the same.

ISOC Delhi Response:

1. **Principles for the Design of Delivery Platform**

   Principle 4: Ensure security and Privacy: While this principle has emphasized on security and technologies like encryption and importance of users having control over their data is used by platforms, we would suggest if possible to clearly define user rights, control and ownership over their data. The user should also have control over what data is being shared between the NODES and any data sharing should require user's consent. Additionally the use of the data

should be guided by the principles of necessity and proportionality within legal frameworks.

2. **Principles for Transparent Governance**

   Principle 8: Create transparent governance: We would suggest incorporating a regular review mechanism of the processes to ensure transparency, with a commitment to make changes in the framework of governance based on learnings from the monitoring and review.

   Principle 9: Ensure the right capability: The principle should follow the principle of multistakeholderism by recognising and encouraging people from diverse stakeholder communities, backgrounds, skills and ethics to participate. For building the right capabilities, the commitment to regular capacity and skill building of the officials and departments involved is important.

3. **Principles for a vibrant community**

   Principle 11: Ensure inclusivity: We would suggest the principle should ensure that the formats, technology and applications should be inclusive for the disabled and also for the less literate people.

   Principle 15: Enable grievance Redressal: We would suggest that the grievance redressal process apart from having an accessible and transparent mechanism should be accountable with a defined escalation process, unbiased and time bound.

Question 3: What are the biggest challenges that may be faced in migrating from a 'GovTech' 1.0 or 2.0 approach to a NODE approach (e.g. interdepartmental systems integration, legacy systems modernization, poor usability, and poor data quality)? How might these be overcome?

ISOC Delhi Response:

Few of the challenges that may be faced in migrating to a NODE approach are to ensure the safety and security of the systems; security of data and access; scalability of the NODE; seamless migration of data and overcoming challnges in migration from closed standards to open standards; adopting a rights based approach that ensure individual rights and privacy of people are protected.

Question 4: In your opinion, should all delivery platforms be 'open source' or are 'open APIs' and 'open standards', sufficient? Please elaborate with examples.

ISOC Delhi Response:

The delivery platforms should adhere to the existing standards laid out by the government. This includes the governments existing policies related to open source software (such as, the Framework for Adoption of Open Source Software in e-Governance Systems, 2015[1]), open API's (such as Policy on Open Application Programming Interfaces for Government of India[2]) and open standards (such as the Policy on Open Standards for e-Governance[3]).

Question 5: Do NODEs across sectors require common governance frameworks and regulatory/ advisory institutions to uphold these? Or is it sufficient for each node to have an individual governance construct? If a common framework is required, please elaborate the relevant themes/ topics e.g. financing, procurement, data sharing.

ISOC Delhi Response:

NODES across sectors should have a common governance framework. Some of the themes of the common framework should be: privacy, data protection, security, protection of rights, openness, transparency, consumer protection and redressal.

Question 7: What are some potential risks that open digital ecosystems can leave citizens vulnerable to, for example, risks related to data privacy, exclusion, having agency over the use of their data etc.? What types of overarching guidelines and/or regulatory frameworks are required to help mitigate them?

ISOC Delhi Response:

Some of the potential risks that an open digital ecosystem can leave citizens vulnerable to, apart from risks to data privacy, exclusion, are: lack of alternate options to avail the services; unauthorised security breaches; use and access of data without consent; lack of proper redressal mechanism; monitoring, etc.

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1 http://egovstandards.gov.in/sites/default/files/Framework%20for%20Adoption%20of%20Open%20Source%20Software%20in%20e-Governance%20Systems.pdf

2 https://meity.gov.in/writereaddata/files/Open_APIs_19May2015.pdf

3 http://egovstandards.gov.in/sites/default/files/Policy%20on%20Open%20Standards%20for%20e-Governance.pdf

To mitigate such risks the overarching guidelines and/or regulatory framework for the NODEs should be guided by the principles of necessity, proportionality, legitimacy, and legality.

Question 8: What are effective means to mobilize the wider community and build a vibrant network of co-creators who can develop innovative solutions on top of open platforms? What can we learn from other platforms or sectors?

ISOC Delhi Response:

The Internet Society's National ICT Ecosystem Framework (NICTEF) case study of the Phillipines is one such example where several approaches were adopted to mobilise and engage the wider community to build an innovative, transparent, accountable open platform.

Question 10: Are you aware of any innovative grievance redressal mechanisms/models that go beyond customer support helplines to augment accountability to citizens? If yes, please describe along with examples.

ISOC Delhi Response:

We would suggest that any grievance redressal process the government adopts, apart from having accessible and transparent mechanism should be accountable with a defined escalation process, unbiased and time bound.

Question 11: Imagine designing a NODE in the context of the state or sector that you work in (please refer to Figure 4 and the Figures in Section 5), and describe –

11.4. The "Community" for your NODE – key stakeholders, how would they engage with the platform and build on top of it? What benefits would having a vibrant community offer and what additional use cases can be unlocked? Please list any challenges (e.g. incentivising adoption, value sharing) and how you may overcome these?

ISOC Delhi Response to 11.4:

The Internet Society's National ICT Ecosystem Framework (NICTEF) case study of the Phillipines helps to address this question.

Question 12: Are there any useful resources that you have come across that would help the broader community, as we build out this NODE approach?

ISOC Delhi Response:

The Internet Society's National ICT Ecosystem Framework (NICTEF) case study of the Phillipines is one such reference resource. This initiative facilitated in engaging with the wider community of in Philippines to mobilise wider collaboration in formulating their NICTEF framework.

Question 13: What kind of tools (e.g., case studies, workshops, online knowledge banks, access to experts, etc.) would be most useful for your organization/ department to enable you to take this approach forward?

ISOC Delhi Response:

Case studies, workshops, online knowledge banks, access to experts are all useful tools to be informed of the strategy and approach forward. Along with it, regular interaction and access with the policy makers and implementors of this strategy would be a useful means to provide relevant and pertinent feedbacks and suggestions while the strategy is being implemented.

Question14:

How would you like to engage further (e.g. individual consultations, workshops, etc.) as we build the strategy for NODE?

ISOC Delhi Response:

We would be interested to engage in both individual consultations, workshops and other modes of deliberations. We would recommend the government engages follows the multistakeholder approach by involving different stakeholders, including individual users, in this deliberation for coming up with an inclusive nuanced strategy that takes into consideration the interests of multiple stakeholders.