Digital Rights as Part of Malaysia's Digital Transformation

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Introduction

Public policy tends to prioritise economic development and growth. However, as our social lives and public services become increasingly digitally dependent, policymakers must recognise that digital transformation is an all-of-society process that includes social well-being and human rights as well as economic development and growth[1]. Digital policy can no longer focus primarily on the digital economy while neglecting the digital society.

Having a digital society mindset involves thinking about development and design not just for productivity and efficiency but also for inclusivity and the public interest, recognising and observing human and digital rights. A society-first policy framework recognises that the challenges

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[1] Khazanah Research Institute (2021)

facing a digital society are not to be solved with just technical solutions but also with social solutions that protect digital rights.

Digital rights are part of digital inclusion

Digital rights are simply "human rights in the internet era"[2]. Human rights, such as the right to receive and impart information, the right to privacy, and the right to education, all have to be protected online as they do offline. One way to do this is by developing and implementing digital policies that prioritise digital inclusion.

Digital inclusion is a broad policy-driven approach towards ensuring "all individuals and communities, including the most disadvantaged, have access to and use of Information and Communication Technologies (ICTs)"[3]. Digital inclusion must evolve as technology advances. It requires intentional strategies and investments to reduce and eliminate historical, institutional and structural barriers to technology.

Digital inclusion goes beyond closing the digital divide. Building more infrastructure, improving network performance, and developing devices and apps that are easier to use and more secure are important technical solutions to the problem of the digital divide. But digital inclusion also requires social solutions to address social inequalities and evaluate proactively the societal impact of digitalisation, for example on education opportunities, healthcare outcomes, and social cohesion. It means recognising the privilege and bias inherent in the design and development of many digital systems, whose unspoken assumptions may not adequately observe or protect digital rights.

Far too often, digital adoption rushes ahead with little consideration of the long term – and unintended – consequences of the technology. For example, unregulated data collection and sharing by private social media platforms have diminished both the right to and expectations of online privacy[4]. Similarly, as education systems pivoted to edutech platforms for online learning during pandemic lockdowns, not enough consideration was given to how students from low-income households would be able to keep up with their more privileged counterparts, resulting in them being left further behind[5].

During the Covid-19 pandemic, society crossed a digital rubicon. Most, if not all, sectors of society from education to healthcare are becoming more, not less, digital. Several countries, including Malaysia, are recognising the right to access the internet as a human right[6]. As more people come online, it is important that public policy protects digital rights in an interconnected digital world.

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[2] Hutt (2015)
[3] NDIA (n.d)
[4] Schechner and Secada (2019)
[5] Gong, Ashraf Shaharudin, and Siti Aiysyah Tumin (2022)
[6] Bernama (2021)

Four policy principles for digital inclusion

There are at least four principles that can inform policies for digital inclusion: inclusive design, centring the user experience, good governance, and prioritising the public interest.

1. Inclusive design

First is the need for inclusive design. Society needs technological tools that can be meaningfully used by all groups of people, including and especially the vulnerable and disenfranchised. For example, having government websites translated into multiple languages, including languages spoken by indigenous and migrant communities.

More broadly, technological systems and processes need to be designed inclusively, not just tools like websites and apps. This may mean retaining, or creating new, redundant and alternative analogue means to support less digitally connected groups. For example, the financial services sector encourages cashless transactions and transitioning to digital-first communications. If analog alternatives are not provided, this digital transformation is likely to hurt unbanked and underbanked groups with limited digital access and digital literacy.

2. Centring the user experience

Second is centring the user experience. Good intentions do not always translate into a positive user experience. For example, satellite connectivity has been tried and tested and refined for decades. The latest developments in satellite technologies promise better speeds and more reliable performance even in inclement weather. However, performance is measured by service providers in terms of signal coverage in ideal conditions, and not by day-to-day download speeds users experience, especially in remote or rural areas.

Nor does following the letter of the law guarantee a good outcome. Platforms may meet legal obligations by requiring registering users to agree to terms and conditions that govern their use of the platform. In practice, however, users may still find themselves subject to abuse and harassment on the platform. It is incumbent on corporations to take responsibility for addressing the challenges of developing platforms and systems that protect their users' rights.

3. Good governance

The third principle is good governance, especially around data security and personal privacy. This is a topic that warrants more discussion (see, for example, KRI's #NetworkedNation for additional details) but suffice to say good governance is fundamental in the protection of digital rights. Digital governance ranges from developing secure, integrated and interoperable systems to properly managing and protecting personal data. These are no longer just national issues but require cross-border regulations in a globally networked world.

4. Public interest

Fourth is prioritising the public interest. Public policies should not privilege the private sector at the expense of the general public. While many of the most popular digital applications are private sector products, the backbone of the technology they run on is largely supported by public funds.

The lack of clarity and transparency in the development and procurement of the mySejahtera application was a hard lesson for all parties[7]. Going forward, open access to procurement processes can improve public and private sector accountability

Increase engagement with disenfranchised groups to improve public services

One step towards achieving these goals is for policymakers and technology developers to engage more deeply with groups whose rights are often overlooked, such as persons with disabilities (PWDs), migrant communities, and marginalised minorities. Policymakers should seek the input of these groups when developing public policy. Developers should involve them in testing digital tools and systems before publicly launching them. Like digital transformation, developing inclusive policies is an all-of-society process.

These groups are an undervalued player in providing input for public service improvement. For example, instead of viewing PWDs primarily as beneficiaries and users of public services, engaging them as partners, contributors and producers could yield valuable insight into areas for improvement.

Nations emerging from the depths of the pandemic should prioritise public interest and social well-being in their recovery. A key player in promoting digital inclusion and protecting digital rights is the public sector. Per the Universal Declaration of Human Rights, "everyone has the right of equal access to public service in [their] country.[8]"

Malaysia's government has declared public service delivery to be a priority in the 2023 Budget[9], in line with the 2021 Digital Economy Blueprint[i]. This includes commitments to closing the digital divide, improving technical competencies among public sector staff, and the development of a cloud-computing ecosystem. This requires public servants to be informed not only about technology but also about social inequalities and digital rights. One way to achieve this is to obtain regular input from marginalised groups.

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[7] Boo and Alifah Zainuddin (2022)
[8] UN (1948)
[9] Zafrul Aziz (2022)

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