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## A theoretical provocation to consider data governance as the task of governing data social relations

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Data governance law – the legal regime that regulates how data about people is collected, processed, and used – is a subject of lively theorizing and several proposed legislative reforms. Different theories advance different legal interests in information. Some seek to reassert individual control for data subjects over the terms of their datafication, while others aim to maximize data subject financial gain. But these proposals share a common conceptual flaw. Put simply, they miss the point of data production in a digital economy: to put people into population-based relations with one another. This relational aspect of data production drives much of the social value as well as the social harm of data production and use in a digital economy. To properly approach the task of socializing data value requires first conceptually reorienting the impulse of data governance laws to take data's relationality as central, rather than marginal, to the task of governing data.

A theoretical account of data as social relations takes data as constituted by both legal and technical systems. It shows how data relations result in supra-individual legal interests, and properly representing and adjudicating among these interests necessitates far more public and collective (i.e., democratic) forms of governing data production. This theoretical account offers two notable insights for data governance law. First, this account better reflects the realities of how and why data production produces economic value as well as social harm in a digital economy. The data collection practices of the most powerful technology companies are primarily aimed at deriving population-level insights from data subjects for population-level applicability, not individual-level insights specific to a data subject. The value derived from this activity drives data collection in the digital economy and results in some of the most pressing forms of social informational harm. Individualist data subject rights cannot represent, let alone address, these population-level effects. Second, this account offers an alternative (and it argues, more precise) normative argument for what makes datafication – the transformation of information about people into a commodity – wrongful. What makes datafication wrong is not (only) that it erodes the capacity for subject self-formation, but also that it materializes unjust social relations: data relations that enact or amplify social inequality. This egalitarian normative account indexes many of the most pressing forms of social informational harm that animate criticism of data extraction yet fall outside typical accounts of informational harm. This account also offers a positive theory for socially beneficial data production that is particularly significant for attempts to socialize data value. To address the inegalitarian harms of datafication – and develop socially beneficial alternatives – will require democratizing data social relations: moving from individual data subject rights, to more democratic institutions of data governance.