

Critical Concerns on Data Governance and Development

– Why a Cross-track Approach is Necessary

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In pursuance of the mandate given by the UN Global Digital Compact under Para 48, the United Nations Commission on Science and Technology for Development (UN CSTD) Working Group on Data Governance is exploring follow-up recommendations towards equitable and interoperable data governance arrangements, through deliberations on four key tracks:

1. Fundamental principles of data governance at all levels, as relevant for development;
2. Proposals to support interoperability between national, regional, and international data systems;
3. Considerations of sharing the benefits of data; and
4. Options to facilitate safe, secure, and trusted data flows, including cross-border data flows as relevant for development (all Sustainable Development Goals).

Discussions in the Working Group reveal that key debates across the four tracks are deeply interconnected and cannot be addressed in isolation. Choices made in relation to data protection, interoperability, benefit sharing, and cross-border data flows are not merely technical issues. They pertain to human rights, sustainable development, and the distribution of value in the global digital economy.

Three themes – representing divergences in viewpoints (from submissions made until December 2025) – are critical to resolve from a development perspective:

1. Individualist vs. societal frameworks to data governance

Submissions fall in two categories – approaches that treat privacy and personal data protection as sufficient to safeguard rights (see Canada, International Chamber of Commerce (ICC), Finland), and approaches that recognize the societal and collective ethics of, and the strategic developmental interests of people over their aggregate data resources (see Derechos Digitales, ETC Group).

The development upshot for data governance

- A data governance approach based on personal data protection in the free market of data flows fails to address the limits to data commodification, the enclosure of the societal data commons by first movers, claims of source communities, and public interest questions in guiding innovation towards the socialization of data value.
- Societal and collective rights in data need to be recognized as a fundamental principle for data governance at all levels. Such rights would not only include individual rights in data, but also the rights to participation, representation, and benefit sharing.

¹ Anita Gurumurthy, Executive Director of IT for Change, is a member of the [UNCSTD Working Group on Data Governance](#). This is a summary of the [submission](#) to the Working Group that has been prepared with contributions from team members – Nandini Chami, Shobhit S., Merrin Muhammed Ashraf, and Amoha Sharma.

2. Technical standards for data interoperability vs. pluralistic visions of data governance

Some submissions view data interoperability as a critical infrastructural feature for public value creation (see UNESCO) and citizens' digital self-determination (see Switzerland). Others caution that interoperability – if pursued as an end in itself, without strategic clarity on which data flows, to whom, and under what conditions – will only entrench data extractivism and market centralization (see Derechos Digitales, Linnet Taylor).

The development upshot for data governance

- Interoperability of technical data standards (with its economic and non-economic benefits) should not lead to coercive harmonization where a select few benefit at the expense of others.
- Data interoperability is not an intrinsic public good. Development sovereignty in the digital economy requires legal frictions or purpose constraints on technical interoperability of data. This could take the form of federated models, tiered access mechanisms, and data-sharing agreements that specify conditions, purposes, and safeguards for use (see UNESCO).

3. Data free flows vs. data sovereignty

One set of submissions frames cross-border data flows as a precondition for integration into global innovation markets that localization measures and differentiated national approaches would undermine (ICC, NTT Data Group, Canada). Another set of submissions cautions that cross-border data flows do not automatically open up pathways to equitable development for all countries, as the global digital economy is characterized by deep asymmetries in digital infrastructure, capital, and bargaining power (Indonesia, Iran).

The development upshot for data governance

- Data sovereignty, or the regulatory autonomy of states to govern data flows in line with development priorities and public interest objectives, is a non-negotiable.
- Drawing from the principle of 'sovereign equality', all states should have the ability to use data resources for local economic and social development and regulate cross-border data flows to further the public interest.
- Global data solidarity hinges on a 'data flows with rights' approach – which recognizes the indivisibility of human rights as a foundational norm for the governance of cross-border data flows. This implies that economic, social, and cultural rights in data, and data self-determination are as crucial to the governance of cross-border data flows as considerations of privacy, security, and freedom from dataveillance (first-generation rights).