WORKSHOP NOTES: Prosocial Tech Design Governance

December 3, 2024 | Waterloo

Please type in your reactions, questions, concerns, ideas or any thoughts that come to mind during each of the sessions. We want to learn from you and value your insights. You can leave them anonymous or add your name in case we have questions and want to come back to you.

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Pre-Read Feedback

For Prosocial Design Guidance, Summary of Blueprint for Prosocial Tech Design Governance

- This is an example of the format you can use to add a question, comment, or caution. You are welcome to either be anonymous or add your name if you are open to follow up questions in a format like this. (Jane Doe)

Session 1 NOTES: Opening: Toward Prosocial Tech Design Governance

Lisa Schirch (University of Notre Dame)
Nathanael Fast (University of Southern California)
Julia Kamin (Prosocial Design Network)

- Nate Fast talk - AF: good point that ‘mechanical’ interactions like a click or cursor hover shouldn’t be a proxy for people’s experience or preferences - an example of the violent abstractions of datafication
- Does layout also factor into the code?
- Nate – Curious about whether there’s been any talk of updating the code to incorporate more design elements connected to user harm, things like ephemeral content, timing and batching of (both platform and third party) notifications, profile effects, etc.
    - FYI we at KGI have worked with Neely/Ravi and TJLP to develop this taxonomy of design elements linked to consumer harm
      Taxonomy - Mapping Consumer Harm to Specific Social Media Design Ele…
      (Pete, KGI)
- Lisa Schirch talk - AF: prosocial goals should not be limited to democracy and social cohesion - these are not the horizon of knowledge systems for Indigenous Nations. Not

that they are ‘bad’, but those goals can have their own substantial blind spots and erasures
- How can design codes help employees within companies to push back on unsafe practices like an engineer can do?
- Sounds like prosocial design can be a tool for behaviour modification. Is there a risk that this concept gets enfolded into state behavioural ‘nudge’ programs and initiatives?
- For Indigenous Nations, not all “civic signals” should be legible to everyone. I see the need for Indigenous intranets or data commons that are not fully permeable to the state or all aspects of civil society. This runs against the grain of melting pot or unitary socio-political organizing of states
- “All prosocial goals may not be compatible” - thanks for this
- Julia’s point on 2% of studies involve experimental designs really underscores the restrictions that platforms place on meaningful research, in relation to prosocial design but also a whole host of other topics! These include stringent terms of service from the company side and ongoing attacks against researchers in the US (Pete, KGI)
- Are some of the issues around why people don’t see the importance of their data because if seems so complicated? How can it be simplified?
- Nate mentioned the collaboration with start-ups like Character AI. what do we make of continuing scandals and harms of these companies, big or small? For instance, “Character.AI Is Hosting Pro-Anorexia Chatbots That Encourage Young People to Engage in Disordered Eating” https://futurism.com/character-ai-eating-disorder-chatbots
- The Prosocial Tech Design centers individual privacy, fulfillment, wellness, safety – how can collective safety and collective privacy be included in the blueprint?

Session 2 NOTES: The Global Landscape for Prosocial Tech Design Governance

Lena Slachmuijlder (Search for Common Ground)
Sabhanaz Rashid Diya (Tech Global Institute)

- Public digital infrastructure - is it too late to supplant what is now an entirely private model? What crises or threats would it take to stop the enclosures of social data and information commons? Perhaps I am cynical but I am not sure what public pressures it would require for states to de-privitize this area
- Some of my concerns with the PDI concept are that the responsibility falls on the user or consumer once more. Even though these PDIs would be publicly and privately funded, the accountability mechanisms from government and industry to the public have not been gamed out
- These are diverse, complex multi juridical issues. Indigenous Nations in the settler colonial states (Aus, Aotearoa, US, and Canada) are working for sovereignty over their peoples’ data and are embedded in a web of treaty, legal, and historical governance relationships. A key distinction between Indigenous and non-Indigenous state and mainstream approaches is that sovereignty and control are not based on control or exercise of power for First Peoples, they are based on care and stewardship. Plurality of data systems design will run into this. How can ‘care’ trump ‘control’? I think this can only be possible if data is largely demonetized and demarketized.

- I am still mulling over how competition and antitrust can be deployed in a meaningful way. I am not entirely sure that break ups are the panacea that some seem to think they are. While there is awareness by agencies of the need to intervene to reign in excessive market power, the tools they have required a level of evidence that is difficult to produce, particularly in cases where the concern is preventing potential harm (for eg acquisitions of nascent competitors or potential disruptors.
- I think there is a larger question to be asked about wealth maximization - our economic system is predicated on growth. The sustainability movement is trying to change attitudes about unbridled growth, with mixed success and a lot of push back. In the context of pro social design, has any thought been given to the need to build in de-growth as a design parameter - ie encourage less resource-intensive, less profit-driven practices. I will admit I don't know if there is an appetite for re-thinking the economic foundations of most Global North economies, but when we talk about incentivizing platforms to do the right thing, is that even possible? I worry that growth and the pressure for profit will always win out over social benefits. Private economic entities want to capture the benefits of their practices. Not sure we can incentivize them to "share" benefits, outside of the selective sphere of corporate philanthropy
- What can we learn from the Global Majority about election woes and how to find spaces of hope in the Global Minority election cycles like the US, and its move to a more mainstreamed fascist political space?
- A challenge of regulatory capacity presented by Devika is that "No established procedures on how transparency should be operationalised." Unfortunately we see these issues elsewhere even in countries that founded open government movements like the UK: "Not a single Whitehall department has registered the use of artificial intelligence systems since the government said it would become mandatory, prompting warnings that the public sector is "flying blind" about the deployment of algorithmic technology affecting millions of lives." https://www.theguardian.com/technology/2024/nov/28/uk-government-failing-to-list-use-of-ai-on-mandatory-register
- https://tagcanada.shinyapps.io/register/
- The above is an important intervention but it is not government-driven. It is an academic effort. It stands that governments are not fairing well when it comes to transparency in AI, hence the UK example before the TAG Canada project/database. The transparency-drive should come from the government not just academia or civil society.
- The issue of geopolitical clout is global. Very few jurisdictions are unaffected by the pressure of companIes lobbying efforts to
- "Getting online first" as Diya states is very apt. We can't even go to trust and safety if the foundational physical and digital infrastructure does not exist. I am reminded of the work of Alliance for Affordable Internet (A4AI): https://a4ai.org/: " a global coalition working to drive down the cost of internet access in low- and middle-income countries through policy and regulatory reform." How can we learn from these kinds of coalitions in the new data and AI spaces?
- 100% on the fundamentally American imprimatur on the underlying principles that govern platforms. I would argue it is not just about the privacy and free speech rules, but

is also a reflection of the US view of “free markets”, of economic meritocracy and the importance of individual success. In other words, if you are poor, you deserve to be. This is deliberately provocative, but this thinking also permeates how the Global North interacts with the Global South.

- However, a cautionary note: individual vs collective rights - it’s always a balance. The promotion of social cohesion can be very oppressive to individuals, particularly those who are outside the mainstream. Similarly an undue focus on individual rights, (especially in the context of assessing the legal compliance of rules with constitutional protections) can also lead to undesirable results. Moreover we cannot lose sight of who brings cases based on fundamental freedoms, they are often corporate defendants with the resources to bankroll litigation
- Collective and individual rights aren’t mutually exclusive, that’s the thing. At FNIGC we see all kinds of handwringing by non-Indigenous governments and actors, basically saying we want to do the right thing but we don’t want to ‘override’ individuals rights by following the wishes of the community. That is so presumptuous, that there is not also an important relationship between the community body and the individual. It presumes communities have no capacity or interest in respecting their members. It is colonial and paternalistic.
- An inconvenient thought: what if people want violence and disinformation, want division and parochialism? Want child pornography? Building from the bottom up needs to have support in the form of education, which is the foundation of any society. What values do we teach our children?
- Building on the above point: and thinking about the first panel today; we cannot only have harmonious interactions online because humans are not just harmonious. Often the online spaces replicate offline spaces - this is a long-term variable that may be uncomfortable but it is there. Sometimes breaking up companies like Meta or abolishing them all together may be the only way to reduce the kind of harms that these platforms amplify.
- We need to be careful about universalizing rights - most fundamental rights resonate with us and we think they ought to be valued by everyone in the same way. But very few rights benefit from that level of consensus. We should avoid assuming what constitutes “harm” and what constitutes the kind of “rights violation” that governments have an unequivocal duty to mitigate. Moreover, the exercise of rights, even where they concern the dignity of an individual, can also affect the rights of others (as individuals or as a community)
- We have not talked about the sources of “morality” and norms. How do we allow for a plurality of sources? No moral code is perfect, no social consensus is exempt from the need for scrutiny
- The concept of “care” - earned authority vs as a modality for “control”
- Who made rights holders, rights holders? If human rights is not universal then should we also be specific about who these rights holders are?
- We have not talked about the TESCREAL bundle of ideologies yet: TESCREAL: transhumanism, Extropianism, singularitarianism, (modern) cosmism, Rationalism, Effective Altruism, or longtermism. Highly recommend Gebru and Torres’s

groundbreaking research: “The TESCREAL bundle: Eugenics and the promise of utopia through artificial general intelligence” https://firstmonday.org/ojs/index.php/fm/article/view/13636

- Related to TESCREAL is an excellent piece by Farrell called The Prodigal Techbro: https://conversationalist.org/2020/03/05/the-prodigal-techbro/
- No such thing as good vs bad AI - needs to be considered in context - should they exist in certain spaces at all? (e.g. criminal justice) where it ads efficiency at the expense of autonomy and dignity?
- Leveraging consumer protection discourse and regs is one mode. I wonder if a mode closer to fossil fuel regulation should be considered. Or ecosystems health.
- “Should criminal justice systems even use AI?” - Diya – 1000 percent we have to keep asking this and not just building guardrails but also red lines around these AI systems. Not only in terms of non-sectoral use but also non-tech use all together, such as facial recognition technology.
- The Law Commission of Ontario is doing a deep dive into AI in the criminal justice lifecycle that should be out this month that may be of interest for some.

Session 3 NOTES: Barriers to Prosocial Adoption in the Private Sector

Kevin Tuer (Communitech)
Majid Mirza (ESGTree)

- Kudos to Kevin for saying the quiet part out loud! 🙂
- Are we concerned about automating the self-reporting of this self-assessment framework?
- Good AI as a certification mark?
- Should we look at the limits of metricizing responsibility and the issues with self-regulation by the private sector?
- Is the ESG-A Framework voluntary or mandatory? Have you considered an independent third party review of the Framework?
- Is the Framework linked to other accountability frameworks like regulations or policies?
- Is there guidance to help respondents understand what “clear, concise privacy policies” are and what the legal threshold is for such policies in their jurisdiction? Generally, some questions in the assessment likely speak to regulated spaces while others may not, and there must be jurisdictional variability. How is that managed, or is it?
- Sometimes there is a need for data deserts. Mimi Onuoha’s work on Missing Datasets is formative: https://github.com/MimiOnuoha/missing-datasets – Onuoha: “**There are advantages to nonexistence.** Every missing dataset is a testament to this fact. Just as the presence of data benefits someone, so too does the absence. This is important to keep in mind. However, there's an even more specific angle to this point. To collect, record, and archive aspects of the world is an intentional act, one that typically benefits those who have the power to decide what should be collected. Often, remaining outside of the bounds of collection can be a form of response for a situationally-disadvantaged group. In short, sometimes a missing dataset can function as a form of protection.”

Session 4 NOTES: Roundtable: Prospects for Tech Governance Innovation in Canada

Renee Black (GoodBots)
Aaron Franks (The First Nations Information Governance Centre)
Jennie Phillps (The Media Ecosystem Observatory)

- On Renee's point about the limitations of the lobbying registry in Canada and the unknowns, Meg Beretta wrote an excellent article on the issue: https://policyoptions.irpp.org/magazines/february-2019/how-is-tech-lobbying-shaping-federal-policy/
- Renee: "self-governance mechanisms were helpful around the edges" – hard agree. The business model of these companies are always prioritized over public accountability. It is just what the profit-driven model provides us in tech. The business model needs to foundationally shift away from extractive motives.
- Renee: Can you share a bit more info on the lawsuits that are taking place in Canada (Pete, KGI)
- https://www.wvglaw.com/blog/ontario-school-boards-sue-facebook-legal-battle-unfolds/
- https://theconversation.com/canadian-news-media-are-suing-openai-for-copyright-infringement-but-will-they-win-245002
- https://www.canada.ca/en/competition-bureau/news/2024/11/competition-bureau-sues-google-for-anti-competitive-conduct-in-online-advertising-in-canada.html
- Look forward to reading Data Sovereignty by Design from Aaron and his team
- Aaron: "Critical data literacy around metadata" - very important grounding of what education in the AI and data space can and arguably should look like that goes beyond public awareness
- Might be useful to read a paper on the types of civic participation in AI, including participation facilitated through the medium of AI: https://journals.sagepub.com/doi/epub/10.1177/23998083241296200
- "A tech stack for democracy".
- On John's point around "the government has a monopoly on democracy." Do people worry then that the quality of government-led public consultation will decline if we focus on alternative ways to doing consultation?
- David Eaves, DPI project https://dpimap.org/
- PublicAI.network https://publicai.network/

Session 5 NOTES: Closing Roundtable: Next Steps

Lisa Schirch (University of Notre Dame)
Ann Fitz-Gerald (Balsillie School of International Affairs)
Paul Samson (Centre for International Governance Innovation)

Discussion Questions

1. **ENFORCING DESIGN GOVERNANCE** - How might Design Standards be translated into public policy in Canada? What would that look like? Where might relevant oversight and enforcement mechanisms reside within Canadian institutions?

a. Crash of C-27 - need to think through what AI policy looks like in Canada. There was no
b. Talked to Armila, Bengion, RAII - but what would it look like to have more deliberative conservations for Privacy and AI
c. Are there anything to these principles that can submit in consultative process to make aware that this exists?
d. If we start again what might that look like? What might design thinking and design governance tell us about how to rethink AI and privacy policy?
e. How do we avoid both capture and the elimination of marginalized voices?
f. In the current legislative framework - there are a few models in mind around institutional arrangements and structures - something that was curious following a discussion >> where does this fit in Fed Gov. Considering a commissioner within ISED - even when we have this moment. Independent oversight should not be mysterious or privately created.
g. Competition bureau example - institutional structure ; independence should become a non-negotiable starting point.
h. Digital intelligence unit - it is plausible that any governance (direct) over AI will come from the competition bureau. This might be an opportunity for governance.
i. Advocate for policies that require prosocial design principles; the accountability for adhering to design.
j. AI and governance report - produced for
k. Must include prosocial processes in policymaking
l. “Prosocial Policy Design” (with the caution that what is “Prosocial” may well be contested)

2. **STRENGTHENING RESEARCHER ACCESS** - How can researcher access to data help understand the role platform design plays in steering human behavior? How can design inventories, metrics and surveys help inform public policy?
    a. Participants: Megan, George Mason; Ethel, CIGI; Julia, Prosocial Design Network; Pete, KGI; Nate, USC Neely.
    b. CIGI Experience: technology facilitated gender-based violence research experience suggests that people push back on validity of qualitative/lived experience data.
    c. Julia: so little research in the platform design field; just a handful of field experiences but know of 100s, 1000s, conducted by platforms. Huge wealth of information in platforms. We need to get to this information out of platforms.
    d. Megan: how do you incentivize platforms to do this research?
    e. Nate: we need to bridge the gap between academia/psychologists and companies. Scheme is an anonymous prediction market and vet who could be predictors to people who are just T&S at platforms and use the an anonymous prediction market to make predictions into how that would turn out.

f. Pete: getting the AB tests is also beneficial because it does not require personal data; also can incentivize the release of documents through judgement/settlement
g. Julia: what about perverse incentives of requiring companies to release AB tests it might incentivize them NOT to conduct them.
h. Julia: could release the data underpinning the assessments; Megan this could be anonymized data.

Take aways

- Lots of research is taking place in companies but not outside
- Ultimately we need to incentivize access to this research while mitigating potential perverse incentives of not doing this research
- Innovative ways to incentivize release of research
    - Prediction market
    - Anonymized data sets
    - Through settlement and litigation like tobacco Master Settlement Agreements

3. **INCENTIVIZING PROSOCIAL INVESTMENT** - How might we strengthen and incentivize investment in prosocial technology platforms and markets? What might that look like? How could this translate to sustainability for prosocial technologies?

Literacy on what is being invested in; stability
Here is how we can incentivize market growth
Aligning the economy and

4. **PUBLIC INTEREST ALTERNATIVES** - Where and who else might benefit from the concepts around Data Sovereignty? How can procurement teams strengthen awareness of alternative privacy respecting public interest infrastructures?

Where and who else might benefit from data sovereignty?
What more can we learn about sovereignty… more reflection is required!
How do you do design that is conceptual but not abstract
Stewardship and responsibility vs control over
Agency and choice in the sovereignty process
Different dynamics between people and groups and communities with states and companies; Multisectionality and borders that are overlapping
No Indigenous data sovereignty monolith; hostile relationship with the state; no agreement or two way conversation or coercion; “if you don’t give us your data, you won’t get fresh water”
In South Africa, Black people are wanting the state to protect their data;
Layers of sovereignty

5. **HEALTHY & COMPETITIVE MARKETS** - What role can secondary market economies play in regulating technology companies - especially Big Tech - that do not always

operate in their jurisdictions? How might other jurisdictions act on Competition policy to prevent Big Tech from undermining local innovation?

6. **STRONG DIGITAL LITERACY** - What might a Digital Literacy and Digital Policy Literacy Strategy look like for Canada? Who should such literacy programs prioritize (e.g. consumers, experts, etc.) and why?

Focus on young or every age?
Public school responsibility?
-skills for coding
-not skills for understanding or analyzing digital environment
-information environments and integrity
Tech platforms?
-Identifying fake content
-Foreign intervention
What are benefits and drawbacks of being online, or AI?
Google Search…
Who has an interest in digital literacy
Finland; what are their lessons learned?
What issues around digital tech to focus on?
-cybersecurity
-foreign interference
-surveillance capitalism
-data collection
-We need a comprehensive plan for digital literacy
-lack of connectivity
-people who don't want to be on certain platforms and are excluded
-recognizing AI generated content and deep fakes
-prebunking
-how is content delivered on platforms; when platforms are trying to manipulate us?
European regulation puts things out; a form of digital literacy
Its a misnomer… literacy based on alphabets… The digital alphabet is 0 and 1; it is inscrutable;
Chasing a moving target

7. **BREAKING THE FRAME:** How do we think outside the box?