

Comment on the “Human Rights and Technology Discussion Paper (December 2019)”

Dr Michael Richardson, [REDACTED], [REDACTED]
Senior Research Fellow (ARC DECRA)
Co-lead, Data Justice, Allens Law & Technology Hub
Co-director, Media Futures Hub

Dear Commissioner Santow,

Thank you for the opportunity to discuss the Discussion Paper at the UNSW Allens Hub consultation session on 6 May. The following briefly expands upon points raised in that meeting, as well as offering some additional comment.

For context, my research investigates drones and related technologies, using media and cultural studies research methods to understand their impact. While this research principally focuses on military drones, I am also looking at policing and related applications, such as the emerging use of ‘pandemic drones’ for crowd monitoring and social distancing enforcement.

1. The emphasis in the report on technological processes (AI, facial recognition) rather than technical objects is sensible, but further specificity around technologies such as drones would be helpful. Drones (like other remote sensors) have a multiplier effect on processes such as AI and facial recognition because they can deploy AI (e.g. crowd tracking, autonomous navigation) and facial recognition into public and private spaces that would otherwise be completely inaccessible. State police are already using drones for crowd monitoring, but the chilling effects of such surveillance (p. 28) are intensified when drone footage is integrated in real-time with facial recognition connected to biometric databases. **To address this, Proposal 1 (b) might be expanded to “...leadership on AI and its implementation into existing technologies.”**
2. The Discussion Paper could place greater emphasis on protecting private space (distinct from ‘privacy’) and access to public space as both become increasingly monitored by systems about which individuals are unaware or unable to offer consent. Drones, thermographic cameras and LiDAR (as in the new Apple iPad pro), often combined with point-cloud mapping, can provide detailed computational models of public and private spaces. For example, mapping parts of the interiors of homes and other private buildings. Data of this kind can potentially enable significant intrusions on privacy rights, but also on collective rights to public space through the presence of ubiquitous surveillance. **The Final Report should more explicitly recognise the impact of emerging technologies on private and public space, with a stronger emphasis on the risks to free assembly and collective protest.**
3. The Discussion Paper places significant emphasis on “ethical frameworks” (Proposal 2, in particular). While these can be valuable, **I would urge consideration of**

changing the nomenclature to “justice frameworks.” For example, “data justice” leads to a different and more expansive set of expectations around the use and impact of AI and other emerging technologies. These might include stronger protections around potential harm to already marginalised people, more robust access to data, and stronger mechanisms for delaying or banning injurious technologies.

Thank you again for your time. If you or your staff wish to discuss any of these matters further, or would like additional resources on any of these areas, please do not hesitate to get in touch.

Kind regards,

Dr Michael Richardson

