DEBATING IN DC

A report on the IIC's traditional TMF in Washington, by **CRISTINA MURRONI**

The IIC's winter TMF held in Washington was a star-studded event, with keynotes from the White House, the FCC chair, major industry players and key regulators. It was hosted by Verizon Communications.

DIGITAL OPPORTUNITIES FOR ALL AMERICANS

Three keynote presentations kicked off the event with an overview of the goals and priorities of the current administration. Grace Koh, special assistant to the president for technology, telecom, and cybersecurity policy, said that protecting the free flow of data is the primary technology policy priority for the Trump administration. The tangible and intangible benefits of data flows outweigh the risks: as every company becomes a digital company, these benefits are realised across the entire economy. The commitment towards unfettered data flows remains firm despite the rise of terrorist activity and the threat of cybersecurity breaches, as the US stance on security continues to evolve.

FCC chair, Ajit Pai, explained that his agency's move to reverse net neutrality rules is part of its drive to modernise rules and remove burdensome regulations that deter investment and innovation. Onerous regulation acts as a brake on innovation, and current changes will bring back the same light touch framework that has governed the internet in the US for most of its existence. The goal is simple: to extend digital opportunities to all Americans.

Thomas Dailey, general counsel at Verizon, emphasised that balancing the need for strong privacy protection is the one issue that regulation has to successfully address to move to the next technology phase. It is a necessary condition for building trust, and thus enabling the next wave of internet technology, which will be immersive and interactive, with applications like 360° augmented reality videos and personalised and adaptive applications.

As the discussion clarified, with machine learning, the internet of things (IoT) and artificial intelligence, the ability to accumulate masses of data is critical to that kind of innovation. The debate also discussed the possible ways a regulator can earn trust in its actions: setting rules that are transparent, coherent and consistently applied.

REGULATORY CHANGE ALSO SWEEPS OTHER CONTINENTS

Three panel presentations provided updates from across the world. Leonardo Euler de Morais (Anatel) offered an overview of the telecoms market in Brazil, where demand keeps growing, driven by growth in customer numbers and the demand for data intensive services. Here, the desire to provide regulatory certainty clashes with the sheer size of the country, where different areas have goals that

Brendan Carr, the newest commissioner at the FCC, delivers his keynote

require different solutions. The current drive for reform seems to be moving away from regulatory complexity, instead embracing competition as the best tool to promote growth and innovation, and he said that the market must have the space to find new ways to monetise data otherwise the investments required will not materialise.

Rajan Mathews (Cellular Operators Association of India) presented a snapshot of India, where 13 mobile operators are now consolidating to a handful and nearly $30-40 billion of value has been lost in the last 4 years because companies have left the Indian marketplace. The government's key policy goal in 2018 is to attract foreign investment, which is not easy considering that India faces the same costs as the rest of the world for equipment, inflated spectrum prices (30% more than benchmarks), and much lower average earnings. India's attractiveness is the number of connections: 1.1 billion.

> **Strong privacy protection is the one issue that regulation has to address successfully.**

The priorities for Africa were illustrated by Alice Munyua (Kenya ICT Action Network, KICTANet) and Botlenyana Mokhele (ICASA, South Africa), who explained that although the benefits of ICT for Africa are already evident, more needs to be done to apply digital technologies to traditional sectors. There are hundreds of technology hubs, but they are concentrated in five African countries. For South Africa, which is still one of the most unequal societies in the world, the primary role of the regulator is to ensure equal access to services but also growth in the market.

← A comprehensive debate on EU regulation was facilitated by Elena Scaramuzzi (Cullen International).

The two remaining panel sessions on the first day provided insights from civil society and industry on global policy and infrastructure development. Although digital development is not a Sustainable Development Goal (SDG) in its own right, Boutheina Guermazi (World Bank) emphasised that no SDG can be achieved without the help of digital technologies, so the correct regulatory approach is very important. The industry called for flexible and adaptive regulation that fosters innovation: policy frameworks that allow for innovation and consensus-based evolution of technology. Brett Solomon (Access Now) argued that while the internet is pervasive, regulation is still sectoral and driven by partisan interests, often neglecting to include the voice of civil society. Regulation is neither good nor bad – it depends on the environment and the objective, which should be to support the openness of the internet and the digital rights of its users.

> **Regulation should support the openness of the internet and the rights of users.**

AIMING FOR CONSUMER PRIVACY AND PHYSICAL SECURITY

Day two focused on privacy and security, and other key enablers of digital transformation, with keynote presentations and panel discussions. Terrell McSweeny, commissioner at the Federal Trade Commission, called for baseline federal privacy and comprehensive data security legislation. She added that consumer privacy and physical security are not necessarily at odds, and it is critical in a democracy that we retain our privacy because it safeguards our freedom. Freedom from unfettered surveillance is what makes freedom of expression and thought possible.

In a keynote presentation, Brendan Carr, FCC commissioner, spoke further about the FCC reversing Title II rules for net neutrality, arguing that consumers in the US are going to have more protections and be better off. Robert Strayer, deputy assistant secretary for cyber and international communications and information policy, US Department of State, reasoned that it will take open markets, cooperation among countries, and the participation of a vibrant and diverse range of stakeholders, to enable the internet's potential as the world's engine for future growth. He too maintained that privacy and security are not mutually exclusive: it is possible to allow the free flow of data across borders and still provide world-class cybersecurity in personal data protection.

After the keynotes, the conversation focused on international collaboration for cybersecurity. The consensus was that maintaining a decentralised, multistakeholder model for internet governance and promoting a framework of cyber norms internationally would be the right route.

The following panel discussed privacy and security developments in the age of artificial intelligence and big data. Nuala O'Connor (Center for Democracy & Technology) called for more clarity on basic standards of privacy. The more opaque the decision-making processes are in the devices that power our daily lives, the more concerned we should be about the elements of the algorithms that fuel those devices, and whether the outcomes reflect the values that we, as individuals, communities and governments, want to see in our society.

Krysten Jenci, (US Department of Commerce) drew a comparison between the US−EU Privacy Shield framework and the APEC Cross-Border Privacy Rules system. Unlike Privacy Shield, the APEC system is a scalable model for all 21 member economies of APEC; it is voluntary but enforceable once a company joins. It is an interesting alternative model because it creates a system that protects consumers but is also innovative and adaptable to any emerging technology.

Steve Satterfield (Facebook) argued that there are increasing calls to find a third way to deal with data regulation, and this has developed into a movement that is thinking about "privacy experiences as design experiences". The discussion that followed reached the conclusion that technology design should take into account a range of human rights, not just privacy.

KEYS TO DIGITAL TRANSFORMATION

David Redl, assistant secretary for communications and information, National Telecommunications and Information Administration (NTIA), presented the last keynote of the TMF. He stated that in addition to connecting the unconnected, the promise that 5G brings is now the main NTIA focus and this also includes ensuring that there is space for devices and people to operate, and that there are efforts to harmonise both spectrum allocations and technology standards.

This kicked off a discussion on digital transformation enablers with the final panel of guest speakers. Danil Kerimi (World Economic Forum) called on the telecoms industry to embrace innovation, partner more with government, overcome legacy inhibitors and help us move towards a digital world that can achieve the SDGs. Susan Fox (Walt Disney) gave the perspective of the content owner, arguing that companies will always strive for the best viewer experience because the relationship with the viewer ultimately comes back to the company.

Heather West (Mozilla) proposed an alternative perspective to how the industry could look forward and manage disruption: working towards a positive agenda that enables both old and new models and complements them. This can be done both at a business level and the regulatory level. It is about finding answers to questions like: What does the long term look like? How do we incentivise this ecosystem in a way that helps everyone?

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