

The background image shows a busy pedestrian walkway, possibly in a transit station or public square. Numerous people are walking in various directions. Overlaid on this image are numerous semi-transparent blue rectangular bounding boxes of varying sizes. These boxes are positioned around individual people, suggesting a computer vision or surveillance system that is tracking and identifying individuals in the crowd. The overall tone of the image is dark and somewhat desaturated, with the blue boxes providing a high-tech, digital overlay.

Theorizing Regulatory Data Infrastructure

Prof. Dr. Stefania Milan



**Aeroporti
di Roma**

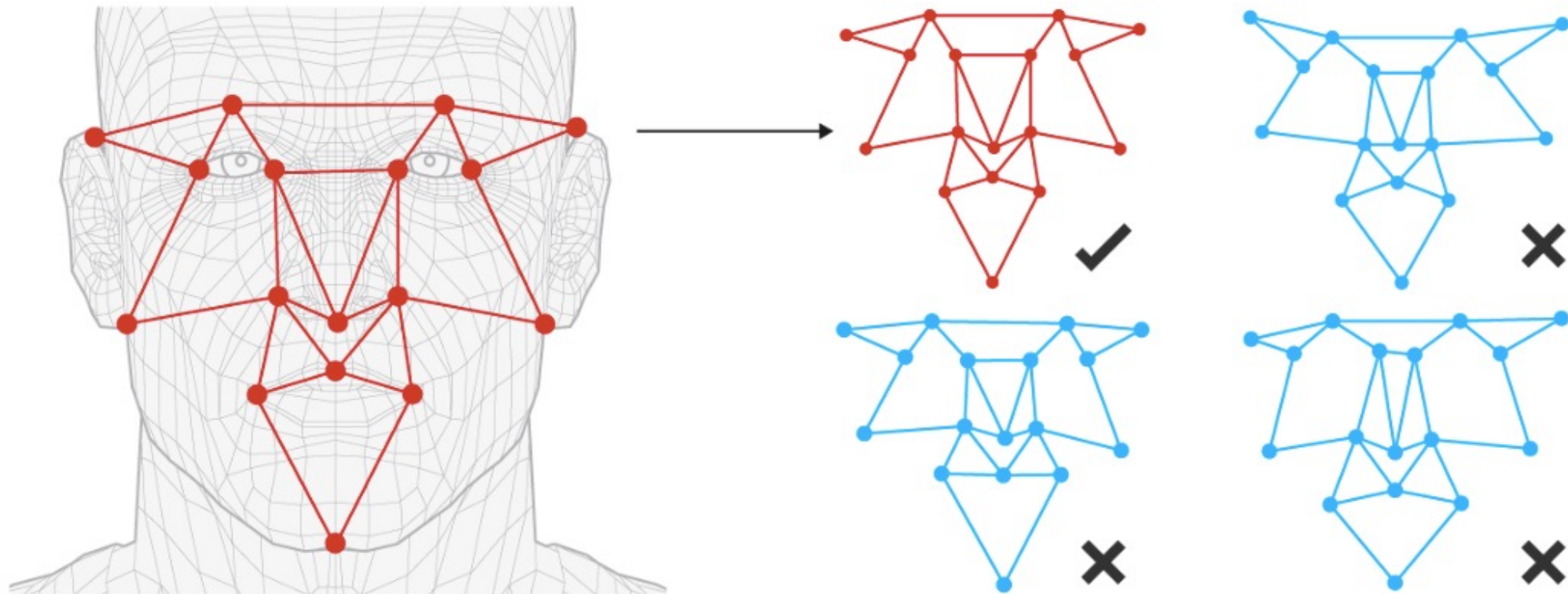


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Facial recognition can identify people by measuring dozens of distinguishable features on the face



1 Facial recognition software reads the geometry of a face captured from a photo or video to create a unique code or 'faceprint'

2 Faceprints are compared with those on a watchlist and a computer ranks likely matches which are later verified by a human operator

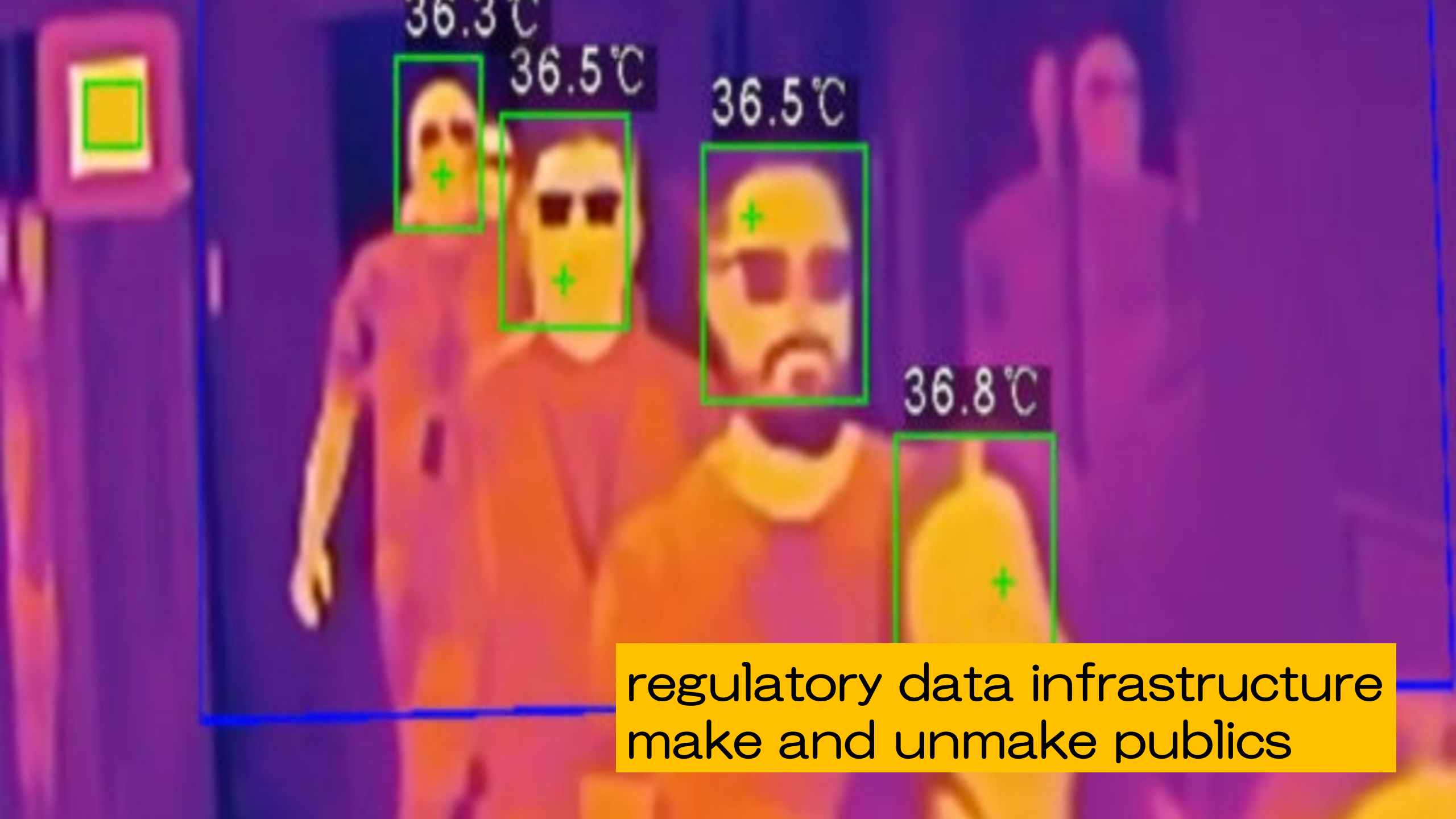




regulatory data infrastructures
generate data that result in
monitoring or decision-making

regulatory data infrastructures

- exercise regulatory power
- increasingly take up functions that once pertained almost exclusively to governmental agencies and public administrations



36.3°C

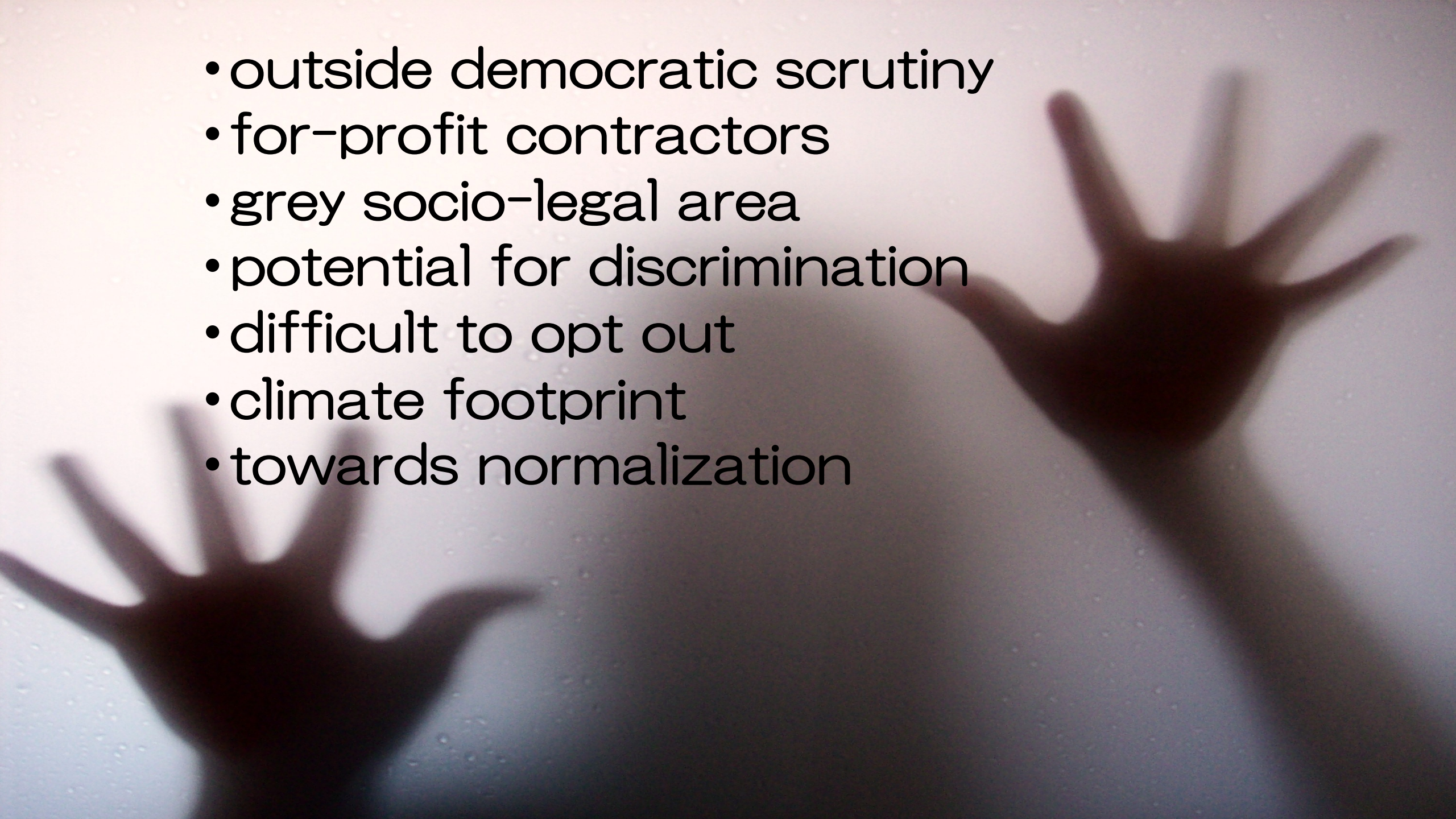
36.5°C

36.5°C

36.8°C

regulatory data infrastructure
make and unmake publics

- outside democratic scrutiny
- for-profit contractors
- grey socio-legal area
- potential for discrimination
- difficult to opt out
- climate footprint
- towards normalization



the pandemic has
accelerated the
transition to
governance by
data
infrastructure



- Governance *by* data infrastructure elevates regulatory data infrastructure to the preferred mode of governance of complexity
- It is characterized by the growing penetration of the private sector into state institutions, including the welfare system

Governance by data infrastructure

- changes our ability to exercise citizenship
- shifts sovereignty & state-making ability to private sector
 - augments inequality

Discriminatie

REPORTAGE ANTISPIEKSOFTWARE

Bewijs maar dat je een mens bent

Een student aan de Vrije Universiteit dient vrijdag een klacht in bij het College voor de Rechten van de Mens. De universiteit had vooraf moeten informeren of de antispieksoftware voor iedereen even goed werkt, dus ook voor zwarte studenten, vindt ze.

Fleur Damen
Amsterdam

Gespannen tuurt masterstudent Robin Pocornie naar haar laptop. Het is 21 september 2020, half 2's middags en ze zit klaar voor haar online tentamen *Fundamentals of Bioinformatics* aan de Vrije Universiteit (VU) in Amsterdam.

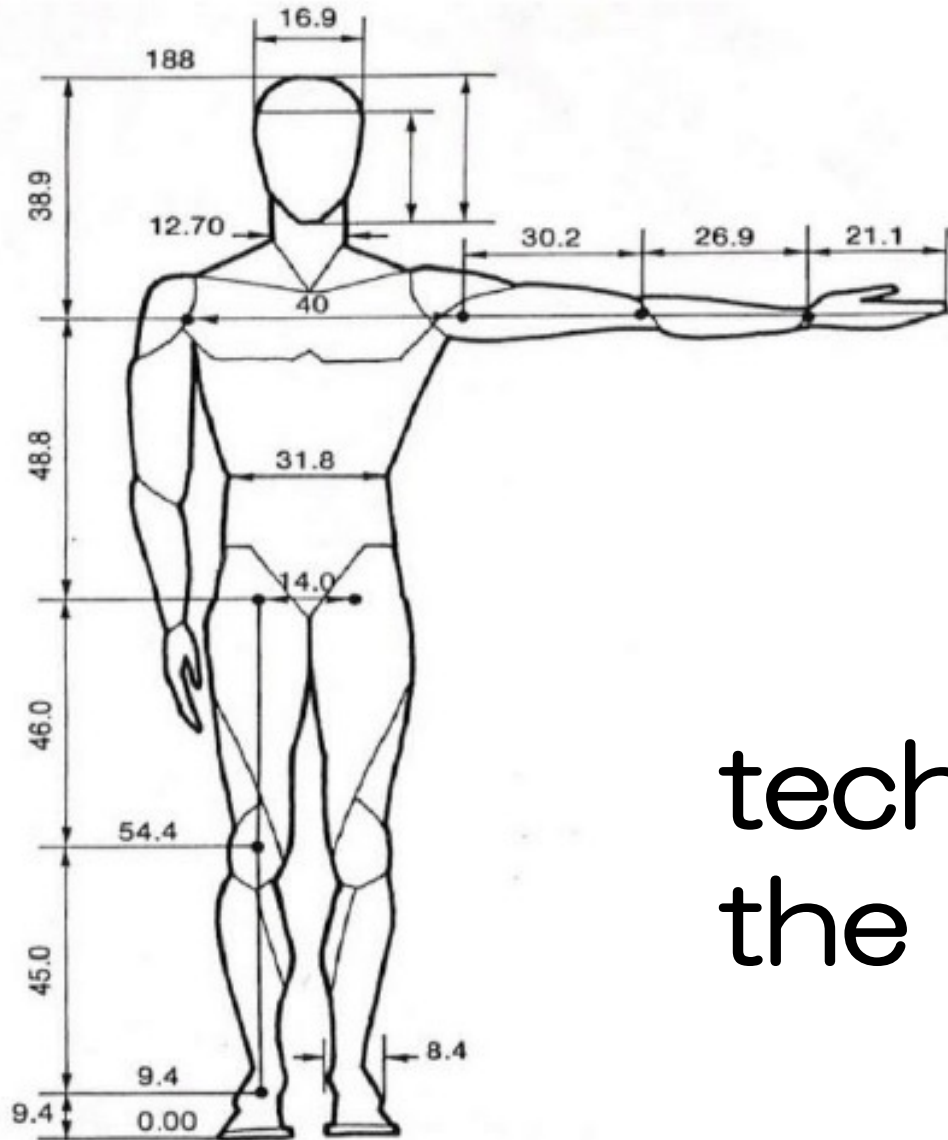
Pocornie is erop gebrand tijdens de coronacrisis het eerste tentamen van haar masterstudie bioinformatica te halen. Ze is zelfs uitgeweken naar het huis van haar ouders, omdat de omstandigheden daar optimaal zijn: stabiele wifi, goed licht, fijne ruimte.

Dan verschijnt een boodschap op haar scherm. 'Ik zie dat je lang doet over inloggen', staat er. 'Gaat het oké?'

Ze probeert het nog eens. Ze zit stil voor haar webcam om haar studentenpas en haar gezicht te laten scannen door de antispieksoftware die ze moet gebruiken. Het programma herkent haar gezicht niet en vraagt haar om in een goed belichte kamer te gaan zitten, maar daar zit ze al. 'Wat gebeurt hier?', denkt Pocornie.

De zenuwen lopen op: ze is al minu-





techno-solutionism and
the “standard human”



legitimization of inequality and exclusion



data poverty

Milan, S. (2020). Techno-solutionism and the standard human in the making of the COVID-19 pandemic. *Big Data & Society*, July-December, 1–7. <https://doi.org/10.1177/2053951720966781>

Milan, S., Taylor, L., Gürses, S., & Veale, M. (2021). Promises made to be broken: Digital vaccine certification as hyperrealistic immunity theatre. *European Journal of Risk Regulation*, 12, 382–392. <https://doi.org/10.1017/err.2021.26>

Milan, S., & Trer é, E. (2020). The rise of the data poor: The COVID-19 pandemic seen from the margins. *Social Media + Society*, July-September, 1–5. <https://doi.org/10.1177/2056305120948233>



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