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STEERING COMMITTEE  
FOR CULTURE, HERITAGE AND LANDSCAPE  
(CDCPP)

DRAFT RECOMMENDATION OF THE COMMITTEE OF MINISTERS  
TO MEMBER STATES ON BIG DATA  
FOR CULTURE, LITERACY AND DEMOCRACY

(follow-up to the 3<sup>rd</sup> Council of Europe Exchange Platform  
on the Impact of Digitisation on Culture, Tallinn, September 2016)

For information and action

Secretariat Memorandum  
prepared by the  
Directorate of Democratic Governance  
Culture, Nature and Heritage Department

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## Background

In the framework of the Estonian Presidency of the Committee of Ministers of the Council of Europe (May-November 2016), the Estonian Government hosted the 3<sup>rd</sup> Council of Europe Platform Exchange on Culture and Digitisation in Tallinn on 29-30 September 2016. The event entitled “Culture 4D: Digitisation, Data, Disruptions, Diversity” brought together some 200 policy makers, media practitioners, cultural/arts specialists, artists, researchers/students and representatives of civil society bodies. The Platform Exchange generated a fruitful exchange and identified challenges and opportunities related to Big Data in the cultural field and the means to empower and participate in digital culture, overcome cultural barriers and close digital gaps in society.

## Progress

Following the decision by the Bureau of the CDCPP in November 2016, a working party was set up and entrusted with drawing up policy guidelines based on the insights generated at the Tallinn event. The group held two one-day working meetings in Paris (December 2016 and January 2017) and prepared the attached draft Recommendation of the Committee of Ministers to member States on Big Data for Culture, Literacy and Democracy. This was subsequently amended by the Bureau at its meeting from 7-8 March 2017, before being sent to other relevant Council of Europe Steering Committees and notably the CDMSI and the CDPPE.

## Next steps

The CDCPP is invited to discuss the draft Recommendation during its Plenary Session and amend it where necessary, with a view to its submission to relevant bodies within the Council of Europe and finally, the Committee of Ministers for their adoption.

## Action required

The CDCPP is invited to:

- finalise the draft Recommendation of the Committee of Ministers to member States on Big Data for Culture, Literacy and Democracy;
- ask the Secretariat to submit the draft Recommendation to relevant bodies within the Council of Europe with a view to its final submission to the Committee of Ministers.

## **Draft Recommendation of the Committee of Ministers to member States on Big Data for Culture, Literacy and Democracy**

### **Context**

Cultural data processing and decision-making has been affected by algorithmic decision-making applied to data worldwide. Big-data analytics (predictive analysis) for cultural productions and uses has disrupted cultural work as well as the distribution of cultural content, access to culture, and privacy. Citizens' participation in culture has been affected due to non-transparent metadata protocols, algorithmic decision making, the indexing of search results and presentation of cultural content. This engenders limited or biased access to cultural information. It may also affect the diversity of representations of society as far as the selection of content may limit such diversity.

Member states, their public and private memory institutions, as well as national and international media and Internet companies, are making substantive investments in the digitisation of cultural heritage and cultural services. This includes the collection of big-data on the uses of existing and the creation of new ("born-digital") content and cultural practices by cultural workers and citizens at large. This collection and "repurposing" of data is being done to preserve and enable more targeted access to culture.

All forms of cultural data processing should enable citizens to be empowered through an open culture both online and offline, while respecting and protecting human rights and fundamental freedoms. Action is also required to foster critical digital literacy among citizens and cultural workers. This strengthens democracy and prepares Internet users to deal with the challenges ahead namely to be responsible citizens online who can manage algorithmic decision-making applied to their data.

### **Preamble**

The Committee of Ministers of the Council of Europe, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and promoting the ideals and principles which are their common heritage;

Keeping in mind that the Council of Europe's key cultural policy goals should lay the foundations of member States' cultural policies, namely to foster participation in and access to culture by as many people as possible, as well as diversity of cultural expression and to promote cultural identity and creativity;

Recalling the Final Statement of the 10th Council of Europe Conference of Ministers of Culture (Moscow, 15-16 April 2013) which highlighted the digital revolution as "crucial to the viability of creation and cultural diversity" and accordingly requested the setting up of a platform for exchange on the impact of digitisation of culture;

Underlining that a human rights approach is required for all policies on culture including those which address the digital shift. This is to give full effect to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, hereafter the Convention), as interpreted by the European Court of Human Rights, and as developed in this field by the Committee of Ministers in its Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users.

Noting the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data (ETS No. 108), the Recommendation of the Committee of Ministers CM/Rec (2010)13 on the Protection of individuals with regard to automatic processing of personal data in the context of profiling and the Guidelines on the protection of individuals with regard to the processing of personal data in a world of big-data agreed by the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD).

Recalling the Recommendation of the Committee of Ministers CM/Rec(2016)2 on the Internet of Citizens, the Council of Europe Internet Governance Strategy 2016-2019, Recommendation of the Committee of Ministers CM/Rec(2007)16 on measures to promote the public service value of the Internet, Recommendation of the Committee of Ministers CM/Rec(2016)5 on Internet freedom, and Recommendation of the Committee of Ministers CM/Rec (2016)3 on human rights and business.

Recalling the Final Declaration of the 25<sup>th</sup> Session of the Council of Europe Standing Conference of Ministers of Education, which called the Committee of Ministers to instruct the Steering Committee for Educational Policy and Practice (CDPPE) “to develop policy guidelines to support national authorities in developing digital citizenship education policies to address learning issues as well as the needs of students to work responsibly in open, collaborative, online environments”, and noting that the Reference Framework of Competences for Democratic Culture endorsed at the 25<sup>th</sup> Session has included among its 20 competences the “knowledge and critical understanding of language and communication”.

## **Recommendations**

The 3rd Council of Europe Platform Exchange on Culture and Digitisation, held in Tallinn on 29-30 September 2016, re-affirmed the Internet as a global resource which should be managed in the public interest. In this context, and with a view to building democracy online, it is recommended that member states:

- Ensure that all individuals and communities, including minorities, migrants and refugees, are made aware of cultural big data processing and are able to make informed choices and decisions regarding algorithmic decision-making used to predict cultural attributes, preferences and behaviours;
- Support critical digital literacy programmes to raise awareness and empower Internet users to understand and manage algorithmic decision-making applied to cultural big data;
- Support the development of a multi-stakeholder policy exchange on the future of culture, having regard to big-data, literacy and democracy.

## Appendix I - Policy guidelines

### Cultural big data processing

1. Digital policy standards for all entities processing cultural big data should be transparent and foster trust among individuals and communities with a view to improving access to content, overcoming cultural barriers, and contributing to societal inclusion. Member states are thereby encouraged to act by:
  - a. ensuring that the algorithmic decision-making applied to cultural big data does not diminish respect for human rights and fundamental freedoms, in particular the right to data protection when personal data is being processed;
  - b. ensuring that everyone can choose to be inscrutable in the digital age and therefore to not have predictions made by algorithmic decision-making about their cultural attributes, preferences and behaviours;
  - c. reviewing the national policy of public cultural institutions and the drawing-up of strategies, policies and practices on cultural big data, in particular with regard to the opportunities and threats to cultural diversity and access to culture;
  - d. assisting cultural entities in the archiving of data in the public interest and by law, in particular to enable them to strike a balance between a combination of the principles of accuracy of data, limited length of conservation of data, right of correction and right to deletion of data on the one hand and the protection of memory on the other hand, to avoid the risk of established facts being altered and the rewriting of history;
  - e. calling upon both public and private cultural institutions to use open metadata standards and to share metadata;
  - f. ensuring public access to cultural big data, in particular the archives of cultural institutions which hold all kinds of data relating to individuals and communities including those generated through social media platforms and public consultations, in conformity with existing data protection legislation;
  - g. ensuring also that the automated dissemination of news follows public service good governance assessment criteria notably with regard to transparency, openness, responsiveness and responsibility, as set out in Recommendation CM/Rec(2012)1 of the Committee of Ministers to member states on public service media governance;
  - h. fostering and supporting digital initiatives in the cultural sector, in conjunction with educational initiatives including media and information literacy programmes, to fight radicalisation, counter 'fake news', identify propaganda and deconstruct conspiracy theories;
  - i. strengthening legal frameworks for digital cultural workers.

### **Critical digital literacy**

2. Everyone should have the skills and competences to make informed choices and decisions concerning cultural big data. Member states are thereby encouraged to act by:
  - a. strengthening digital skills education for cultural self-expression so that all Internet users can master the big-data they generate;
  - b. developing new teaching and learning methods which consolidate technical computer skills and critical information processing, analysis and creative self-realisation;
  - c. using digital means to unlock the potential of heritage for the creative “re-purposing” of cultural content, new forms of expression, and cultural dialogue;
  - d. ensuring that decisions by public institutions on the indexing and presentation of cultural content, including its filtering should not limit access by individuals and communities to new content;
  - e. drawing up guidelines for Internet users on the indexing and presentation of cultural content;
  - f. encouraging cultural institutions - relying on their infrastructures and cross-border networks - to promote and assist European citizens in developing robust digital skills and critical thinking.

### **Multi-stakeholder Dialogue and Action**

3. A multi-stakeholder approach is the most effective means to strengthen cultural big data processing and develop the provision of critical digital literacy. Member states are thereby encouraged to cooperate and collaborate with relevant intergovernmental, international, state and non-state actors, in particular by:
  - a. supporting interaction between cultural institutions and audiences on content and vision for the future;
  - b. facilitating dialogue between public and private cultural service providers on the interoperability of data standards and preferences for open standards, and on sharing experiences and best practices regarding the opportunities for new kinds of cultural works and professional careers as a result of digitisation and cultural big data processing;
  - c. drawing-up policy guidance on culture and digitisation, in particular on the implementation of the Recommendation CM/Rec (2016)2 of the Committee of Ministers on the Internet of Citizens via inter alia the Council of Europe’s platform exchanges on culture and digitisation;
  - d. encouraging the setting-up of an observatory function on critical digital literacy;

- e. developing a Council of Europe charter on the Internet of Citizens;
- f. facilitating multi-stakeholder co-operation between international organisations, notably with the OSCE, UNESCO and the European Union, on the processing of cultural big data with attention to its transparency, respect for human-rights, good practice, and co-ordinated action;
- g. specifically urging the private sector to:
  - i. recognise users both as consumers and creators of culture as well as responsible citizens online;
  - ii. respect the human rights of Internet users especially with regard to algorithmic decision-making applied to cultural big data;
  - iii. commit to the transparent processing of personal data with particular regard to algorithmic decision-making designed to mediate culture to users;
  - iv. co-operate with member states in their reviews of cultural big data processing policies and practices, in particular with regard to the opportunities and threats to cultural diversity and access to culture.
- h. cooperating with non-governmental organisations to:
  - i. support workers in digital creative industries, wherein small businesses often fail to represent their interests and large businesses may resist certain types of regulation;
  - ii. promote digital initiatives, in combination with educational ones including media and information literacy programmes, to fight radicalisation, to counter ‘fake news’ as well as spot propaganda and deconstruct conspiracy theories;
  - iii. promote cultural service and equality for all with regard to participation in, and access to, cultural services, in both fact and law;
  - iv. develop critical digital literacy by means of creativity training including through non-formal education.

## Appendix II

### Glossary of terms

**Algorithmic decision-making:** the prioritising, classifying, associating and filtering of big data by automated formulas and procedures to take decisions based solely on automated processing.

**Big Data:** there are many definitions of Big Data, which differ depending on the specific discipline. Most of them focus on the growing technological ability to collect, process and extract new and predictive knowledge from a great volume, velocity and variety of data. In terms of data protection, the main issues do not only concern the volume, velocity and variety of processed data, but also the analysis of the data using software to extract new and predictive knowledge for decision-making purposes regarding individuals and groups. For the purposes of this Recommendation, the definition of Big Data therefore encompasses both Big Data and Big Data Analytics.

**Born-digital data:** data that was digital from the moment of its creation.

**Creative industries:** their borders with cultural industries are blurred because they tend to cover the same cultural goods (with additional ones such as arts and crafts, design), although their main *raison d'être* may be commercial. But the focus is on the creative individuals rather than the origins of funding and on the strong emphasis on information and knowledge-based goods and services.

**Critical digital literacy:** new teaching and learning methods that consolidate technical computer skills in combination with critical information search, processing, analysis and creative self-realisation.

**Cultural Big Data:** Large volume of data constituting either cultural content or metadata about the production and uses of content or cultural practices that is collected from various sources, at a great velocity and subjected to machine operated algorithmic decision-making.

**Cultural industries:** this traditionally refers to cultural goods such as publishing, film, television, music, advertising and video and computer games, which are usually protected by copyright law. They encompass the whole industrial chain of creation, production and distribution as it affects cultural consumption and participation.

**Cultural institutions:** classic examples are museums, art galleries, theatres, cinemas, libraries, cultural research institutes.

**Digital culture:** refers to the various cultural and creative expressions and practices, including in the field of heritage, which have emerged or have been facilitated and strengthened since the global explosion in information technology and social media. This culture is seen as more freely available, accessible and inclusive, removing dividing lines between creator and consumer and between traditional and more recent art forms, enhancing the democratisation of culture.

**Digital cultural worker:** a person working in the cultural field whose creative medium is digital.

**Digitisation:** the conversion of information and documents into digital format.



**Internet of Citizens:** the Internet of Citizens promotes the human and cultural dimension of the internet as a complement to the Internet of Things. It is a new notion which calls for a people-centered approach to the Internet, in particular to empower everyone who uses and relies upon it for their everyday activities. The term “citizens” is used here in a general sense, meaning people or persons, and not in any legal sense.

**Internet of Things (IoT):** refers to the equipment of all objects and people with identifying devices (sensors, captors, QR codes, etc.) so as to monitor and manage them via their virtual representation online. Such advanced connectivity between people, things and places could facilitate inventory of stock but also enable content creators and content owners to control their work by tracing use and applying copyright.

**Metadata:** contextual data on cultural content that is either derived in automated ways from the usage and creation of that content or is produced post-factum, by different kinds of users, producers, archivists or curators on the creation, potential or determined uses and what may be referred to by that content.

**Public service good governance assessment criteria:** a set of interlocking criteria that public service media organisations can use to assess their system of governance, set out in Recommendation CM/Rec(2012)1 of the Committee of Ministers to member states on public service media governance. The criteria are designed to operate at every level within the organisation: they relate to the highest decision-making level of the media organisation, but they are also directly related to structures, processes and behaviours operating throughout the organisation. They concern respectively the principles of independence, accountability, effective management, transparency and openness as well as responsiveness and responsibility.

**“Re-purposing”:** finding a new use for a given object.