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## Recommendation CM/Rec(2017)8 of the Committee of Ministers to member States on Big Data for culture, literacy and democracy

*(Adopted by the Committee of Ministers on 27 September 2017  
at the 1295<sup>th</sup> meeting of the Ministers' Deputies)*

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The Committee of Ministers, 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 realising the ideals and principles which are their common heritage;

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

Recalling the Final Statement of the 10<sup>th</sup> 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 on 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), 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;

Having regard to the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data (ETS No. 108) and its Additional Protocol for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (ETS No. 181), Recommendation 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 (T-PD(2017)01 of 23 January 2017);

Recalling the following recommendations of the Committee of Ministers to the member States:

Recommendation CM/Rec(2016)2 on the internet of citizens;

Recommendation CM/Rec(2007)16 on measures to promote the public service value of the internet;

Recommendation CM/Rec(2016)5 on internet freedom;

Recommendation CM/Rec(2016)3 on human rights and business;

Having further regard to the Council of Europe Internet Governance Strategy 2016-2019, which underlines the importance of building democracy online and specifically stipulates the importance of "continuing to strengthen European dialogue and the exchange of good practices on the creation, access and management of digital culture, including the digitisation of culture, to promote citizen engagement, access to culture, openness, inclusion and tolerance in democratic societies";

Reaffirming the need to develop strategies and policies and to create appropriate legal and institutional frameworks to preserve the digital heritage of lasting cultural, scientific, or other value, in co-operation with holders of copyright and neighbouring rights and other legitimate stakeholders in order, where appropriate, to set common standards and ensure compatibility and share resources; in this regard, access to legally deposited digital heritage materials, within reasonable restrictions, should also be assured;

Taking into account the Final Declaration of the 25<sup>th</sup> session of the Council of Europe Standing Conference of Ministers of Education, which called on 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 first component of 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”;

Taking also into account the conclusions of the 3<sup>rd</sup> Council of Europe Platform Exchange on Culture and Digitisation, held in Tallinn on 29 and 30 September 2016, which reaffirmed the internet as a global resource to be managed in the public interest,

Recommends that governments of the member States:

- take positive steps towards providing critical digital media and information literacy in society so that all individuals are made aware of the processing of cultural Big Data and can thus make informed choices and decisions regarding algorithmic decision making, which is used to predict cultural attributes, preferences and behaviour;
- support critical digital media and information literacy programmes to raise awareness and enable internet users to understand and manage algorithmic decision making applied to cultural Big Data;
- support the development of a multistakeholder policy exchange on the future of culture, having regard to Big Data, critical digital media and information literacy and democracy;
- ensure that this recommendation, and the guidelines appended hereto, which constitute an integral part of this recommendation, are translated and disseminated as widely as possible among relevant stakeholders, and are reviewed regularly in the light of policy and technological developments.

## *Appendix I to Recommendation CM/Rec(2017)8*

### **Guidelines on the policy on Big Data for culture, literacy and democracy**

#### **Processing of cultural Big Data**

1. Digital policy standards for all entities which process 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. Algorithmic decision making applied to cultural Big Data should not diminish respect for human rights and fundamental freedoms, in particular the right to privacy, when personal data is being processed. Member States are therefore encouraged to implement the following measures:

- a. support development so that everyone can choose to be inscrutable in the digital age and can therefore refuse to allow their cultural characteristics, preferences and behaviour to be predicted by algorithmic decision making;
- b. review the national policy of public cultural institutions and draw up strategies, policies and practices on cultural Big Data, in particular with regard to the opportunities for and threats to cultural diversity and access to culture;
- c. assist cultural entities in the archiving of data in the public interest and with respect to the law, in particular to enable them to strike a balance between, on the one hand, the principles of accuracy of data, limited length of time for conservation of data and digital formats and the right of correction and to deletion of data, and, on the other hand, the protection of memory, in order to avoid the risk of original documents being altered and historical research being impeded; call upon both public and private cultural institutions to use open metadata standards and to share metadata;
- d. ensure access to public cultural Big Data, in particular to the archives of cultural institutions which hold all kinds of data relating to individuals and communities, including data generated through social media platforms and public consultations, in conformity with existing data protection legislation;
- e. ensure that public service good governance assessment criteria are applied to the automated dissemination of news by media channels, 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;
- f. foster and support digital initiatives in the cultural sector, in conjunction with educational initiatives including critical digital media and information literacy programmes, to fight online radicalisation and counter “fake news”, as they are increasingly data-driven;
- g. promote efficient legal frameworks for digital cultural professionals.

#### **Critical digital media and information literacy**

2. Competences for individuals and communities to make informed choices and decisions on cultural Big Data and its possible effect on their cultural choices should be promoted by member States by:

- a. strengthening critical digital media and information skills for cultural expression so that all internet users can assess and choose how the data they generate may be used;
- b. developing or encouraging the development, as appropriate, especially for children and young people, of new teaching and learning methods which consolidate technical computer skills and the critical ability to find, evaluate, analyse and create information;

- 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 taken by public institutions on the indexing and presentation of cultural content, including its filtering when fit and proportionate, do not limit access to content by individuals and communities;
- e. encouraging cultural institutions – relying on their infrastructures and cross-border networks – to assist European citizens in developing strong digital skills and critical thinking;
- f. fostering negotiated, distributive and evolutive solutions about copyright, licensing and creative commons licences, especially in the context of learning and archiving.

### **Multistakeholder dialogue and action**

3. A multistakeholder approach should be adopted by member States through co-operation and collaboration with relevant intergovernmental, international, State and non-State actors, in particular by:
  - a. supporting interaction between cultural institutions, the public and communities on their vision for the future of data-driven content and media;
  - 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 Committee of Ministers’ Recommendation CM/Rec(2016)2 on the internet of citizens, in particular via the Council of Europe’s platform for exchanges on culture and digitisation;
  - d. considering the setting-up of an observatory on critical digital media and information literacy;
  - e. drafting a Council of Europe charter on the internet of citizens that would reinforce the people-centred approach to the internet by bringing together Council of Europe insights and standards from a range of disciplines, with a particular focus on data and future prospects connected to artificial intelligence and their impact on culture, literacy and democracy;
  - f. facilitating multistakeholder co-operation between international organisations, notably with the Organization for Security and Co-operation in Europe (OSCE), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the European Union (EU), on the processing of cultural Big Data paying attention to its transparency, respect for human rights, good practice and co-ordinated action;
  - g. urging the private sector specifically to:
    - i. recognise users as both consumers and creators of culture and responsible citizens online;
    - ii. respect the human rights of internet users, especially with regard to algorithmic decision making applied to cultural Big Data;
    - iii. undertake to ensure transparent processing of personal data, with particular regard to algorithmic decision making designed to bring culture to users;

- iv. co-operate with member States in their reviews of policies and practices related to processing of cultural Big Data, in particular with regard to the opportunities for and threats to cultural diversity and access to culture;
- h. co-operating with non-governmental organisations to:
- i. support professionals in digital creative industries, especially in emerging forms of (self-) employment and work, and ensure that their interests and rights are promoted and protected, be it in small or large businesses;
  - ii. promote digital initiatives, in combination with educational ones, including critical digital media and information literacy programmes, in order to fight against online radicalisation and to counter “fake news”, whilst fully respecting freedom of expression as protected by the European Court of Human Rights and its case law;
  - iii. promote cultural services and equality for all with regard to participation in and access to cultural services, in both fact and law;
  - iv. develop critical digital media and information literacy by means of quality training programmes, including through non-formal education.

*Appendix II to Recommendation CM/Rec(2017)8***Glossary of terms (with specific implications for the purposes of this recommendation)**

**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:** 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 concern not only the volume, velocity and variety of processed data, but also the analysis of the data using software to extract new and predictive knowledge regarding individuals and groups for decision-making purposes. 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, and not necessarily derived from pre-digital content or format.

**Creative industries:** their borders with cultural industries are blurred because they tend to cover the same cultural goods (along with others, such as arts and crafts and design), although their main *raison d'être* may be commercial. Their focus is on creative individuals and their participatory contributions rather than on the origin of the funding and on the information and knowledge-based goods and services they provide, with their attendant Big Data.

**Critical digital media and information literacy:** new teaching and learning methods that consolidate technical computer skills in combination with research, processing and analysis of critical information and creative personal development. Such skills need to be complemented by additional skills, attitudes and values related to competences in the areas of Big Data and participation.

**Cultural Big Data:** a large volume of data made up of either cultural content or metadata on the production and use of content or cultural practices that are collected from various sources, at high speed 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. Cultural industries encompass the whole industrial chain of creation, production and distribution as it affects cultural consumption and participation. They are being affected by Big Data issues as they are increasingly digitised.

**Cultural institutions:** this traditionally refers to museums, art galleries, theatres, cinemas, libraries, cultural research institutes and other socio-cultural entities that have an increasingly online presence and emit data. They are complemented by a new set of emerging institutions such as creative labs, makerspaces, fablabs, learning commons, etc. that include data in their creative and productive formats and content.

**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. Digital culture is considered to be more freely available, accessible and inclusive, and as removing dividing lines between creator and consumer and between traditional and more recent art forms, thereby enhancing the democratisation of culture. Digital culture yields a large quantity of voluntary and involuntary data that can be owned and mined by online platforms and institutions.

**Digital cultural professional:** a person working in the cultural field whose creative medium is digital. The new forms of this work often involve the management of data and metadata.

**Digitisation:** the conversion of information and documents into digital format, including the production of metadata and the various options for data collection and indexation.

**Internet of citizens:** this 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, people, animals, buildings and other physical vehicles with identifying devices (sensors, captors, etc.) so as to monitor and manage them via their virtual representation online and without human-machine interaction. Such advanced connectivity between people, things and places could facilitate the inventory of stock and enable content creators and content owners to control their work by using data, but also to lose control of such data to third parties.

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

**Public service good governance assessment criteria:** a set of interlocking criteria that public service media organisations can use to assess their system of governance, as 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 behaviour operating throughout the organisation. They concern, respectively, the principles of independence, accountability, effective management, transparency and openness in addition to responsiveness and responsibility. They need to incorporate Big Data for culture in this framework.

**“Re-purposing”:** finding a new use for a given object and redeploying it by assigning an alternative use and value to it, or a different format and context, which, in the digital world, implies the creation of metadata and data.