

# Contents

<b>1</b>	<b>Data Sovereignty</b> . . . . .	<b>1</b>
1.1	Topic Overview . . . . .	2
1.2	Defining Data in Context . . . . .	2
1.2.1	Types and Features . . . . .	3
1.2.2	Data as Property . . . . .	4
1.2.3	Ownership and Interest . . . . .	6
1.2.4	Data Privacy . . . . .	9
1.2.5	Data Security . . . . .	11
1.2.6	Corporate Data/Media Content . . . . .	13
1.3	Data Storage . . . . .	17
1.3.1	Physical Storage Devices . . . . .	19
1.3.2	Cloud Storage . . . . .	20
1.3.3	Cloud Infrastructure: Benefits and Challenges . . . . .	20
1.4	Data Sovereignty . . . . .	24
1.4.1	Sovereignty for Data . . . . .	27
1.4.2	Governmental Risks . . . . .	28
1.4.3	Risk Mitigation Strategies . . . . .	29
1.5	Residency and Localisation . . . . .	30
1.5.1	Data Residency . . . . .	31
1.5.2	Data Localisation . . . . .	31
1.5.3	Localisation Models . . . . .	33
1.6	Legal Considerations . . . . .	35
1.7	Summary . . . . .	37
<b>2</b>	<b>Digital Governance</b> . . . . .	<b>39</b>
2.1	Topic Overview . . . . .	40
2.2	Governance . . . . .	40
2.2.1	Types of Governance . . . . .	40
2.3	Social Responsibility in Governance . . . . .	46
2.3.1	Sustainability . . . . .	47

2.3.2	Accountability . . . . .	49
2.3.3	Transparency . . . . .	50
2.3.4	The Social Contract . . . . .	51
2.3.5	Comparative Provisions . . . . .	57
2.4	Digital Governance . . . . .	61
2.4.1	Elements . . . . .	61
2.4.2	Types of Electronic Governance . . . . .	63
2.5	Corporate Governance . . . . .	65
2.5.1	Corporate Social Responsibility . . . . .	67
2.5.2	Objectives . . . . .	68
2.5.3	User-Generated/Earned Content . . . . .	71
2.5.4	Legal Considerations . . . . .	77
2.5.5	Digital UCG Stakeholders . . . . .	79
2.6	Summary . . . . .	81
<b>3</b>	<b>Conflicts of Law . . . . .</b>	<b>85</b>
3.1	Topic Overview . . . . .	85
3.2	Jurisdictionality . . . . .	86
3.2.1	Jurisdictional Authority . . . . .	86
3.2.2	Determining Jurisdictional Authority . . . . .	87
3.2.3	Personal Connecting Factors . . . . .	89
3.2.4	Subtypes of Jurisdiction . . . . .	95
3.3	International Law . . . . .	100
3.3.1	Sources of International Law . . . . .	100
3.3.2	Key Determinants in International Law . . . . .	103
3.3.3	International Human Rights Laws . . . . .	104
3.4	International Legal Strategies . . . . .	106
3.4.1	Silence . . . . .	107
3.4.2	Existential Disagreements . . . . .	108
3.4.3	Interpretive Questions . . . . .	108
3.4.4	Attribution . . . . .	108
3.4.5	Accountability . . . . .	109
3.5	Interjurisdictional Sovereignty and Governance . . . . .	109
3.5.1	Internet Jurisdiction . . . . .	110
3.5.2	Global Costs and Fatal Consequences . . . . .	112
3.5.3	Common Law Evolution of International Online Defamation . . . . .	114
3.6	Summary . . . . .	115
<b>4</b>	<b>Technical Complexities . . . . .</b>	<b>117</b>
4.1	Topic Overview . . . . .	117
4.2	Current Challenges . . . . .	118
4.2.1	Increased Legislation . . . . .	118
4.2.2	Increased Data Awareness . . . . .	120
4.2.3	Larger Data Vaults and Data Location . . . . .	122

4.2.4	Metadata . . . . .	123
4.2.5	Data Ownership and Control . . . . .	125
4.2.6	Data Breaches . . . . .	126
4.2.7	Cyber Exceptionalism . . . . .	127
4.3	Internet Governance . . . . .	128
4.3.1	Access . . . . .	129
4.3.2	Censorship . . . . .	130
4.3.3	Digital Divide . . . . .	143
4.3.4	Digital Rights . . . . .	144
4.3.5	Freedom of Information . . . . .	147
4.3.6	Net Neutrality and the Open Internet . . . . .	151
4.3.7	Privacy . . . . .	157
4.4	Resurgence of Sovereignty . . . . .	163
4.4.1	Encryption and the Hybrid Cloud . . . . .	163
4.4.2	Data Localisation . . . . .	166
4.4.3	Breach Prevention, Remediation, and Planning . . . . .	167
4.5	Global Complexity . . . . .	169
4.5.1	Global Internet Standards . . . . .	170
4.5.2	Network Latency for Data Transmission . . . . .	173
4.5.3	Cyberbalkanization . . . . .	174
4.5.4	Internet Shutdowns . . . . .	175
4.5.5	Media Freedom . . . . .	176
4.5.6	Privacy and Encryption . . . . .	178
4.6	Summary . . . . .	179
<b>5</b>	<b>Comparative Legal Strategies . . . . .</b>	<b>181</b>
5.1	Topic Overview . . . . .	181
5.2	National Data Strategies . . . . .	182
5.2.1	Canada . . . . .	182
5.2.2	China . . . . .	184
5.2.3	Egypt . . . . .	185
5.2.4	European Union . . . . .	186
5.2.5	Germany . . . . .	186
5.2.6	India . . . . .	187
5.2.7	Indonesia . . . . .	188
5.2.8	Japan . . . . .	189
5.2.9	Kazakhstan . . . . .	189
5.2.10	Kuwait . . . . .	190
5.2.11	Malaysia . . . . .	191
5.2.12	Russia . . . . .	191
5.2.13	Saudi Arabia . . . . .	193
5.2.14	Switzerland . . . . .	194
5.2.15	Turkey . . . . .	195
5.2.16	United Arab Emirates (UAE) . . . . .	196
5.2.17	United States . . . . .	197

5.2.18	Uzbekistan . . . . .	198
5.2.19	Vietnam . . . . .	198
5.3	Data Residency Comparative . . . . .	200
5.4	Summary . . . . .	204
<b>6</b>	<b>Emerging Topics in Data Sovereignty and Digital Governance . . . . .</b>	<b>205</b>
6.1	Topic Overview . . . . .	205
6.2	Digital Rights . . . . .	206
6.2.1	Moral/Human Rights . . . . .	207
6.2.2	Legal Rights . . . . .	223
6.2.3	Indigenous Rights . . . . .	230
6.3	Indigenous Data Sovereignty . . . . .	233
6.3.1	Care Principles . . . . .	234
6.3.2	Example: Indigenous Sovereignty in Canada . . . . .	235
6.4	Data Centres and Data Mines . . . . .	241
6.4.1	Functions . . . . .	241
6.4.2	Social Impact . . . . .	243
6.4.3	Environmental Impacts . . . . .	244
6.4.4	Challenges . . . . .	246
6.5	Digital Self-Determination . . . . .	248
6.5.1	Theories of Self-Determination . . . . .	249
6.5.2	Elements of Digital Self-Determination . . . . .	251
6.6	Artificial Intelligence . . . . .	254
6.6.1	Artificial Intelligence and Intellectual Property . . . . .	255
6.6.2	Artificial Intelligence and Contract Law . . . . .	262
6.6.3	Data Protection, Privacy, and Equality . . . . .	262
6.6.4	Human Rights, Violence, and Legal Ethics . . . . .	265
6.7	Social Responsibility . . . . .	267
6.7.1	Digital Colonialism . . . . .	267
6.7.2	Digital Apartheid . . . . .	270
6.7.3	Digital Redlining . . . . .	273
6.7.4	Censorship, Shutdowns, and Blackouts . . . . .	274
6.8	Relevance to our Collective Future . . . . .	276
6.9	Summary . . . . .	277
	<b>Conclusion . . . . .</b>	<b>279</b>
	<b>References . . . . .</b>	<b>281</b>