

Public Service Development Agency and Data Exchange Agency

(LEPLs of the Ministry of Justice)

Core questions (for all stakeholders)

1. In what ways do new and emerging digital technologies help to protect and promote human rights? How can the positive benefits of these technologies be realized?

The emerging digital technologies can revolutionize access to the various services, including public services that have many positive benefits. Digital technologies have improved access to public services, encouraged inclusive environment and equal opportunities for all, also, reduced the costs and expenses.

Apart from this, new technologies help citizens to better track their personal data online, e.g. how do government agencies process citizens' data, improve e-participation of citizens in decision-making process of the government, etc.

2. What are some of the key human rights challenges arising from new and emerging digital technologies? How can these risks be mitigated? Do new and emerging digital Technologies create unique and unprecedented challenges or are there earlier precedents that help us understand the issue area?

Freedom of expression and access to information are the key challenges in the digital environment when blocking and filtering are the measures adopted by some governments. All these challenges can eventually result in violation of human rights (e.g. cyber-attacks on the e-voting portal during election day). Additionally, when the particular digital technology has a significant influence on human rights, it is better to periodically evaluate new threats and put control measures if necessary.

3. Is the existing international human rights framework adequate to safeguard human rights in an era of rapid technological innovation? Why or why not? If not, what types of reforms are needed?

The existing international human rights framework is still valid in the digital era.

As international agreements related to human rights are drafted for offline world, they need to be revised and assessed in order to ensure that all new technological challenges and human rights are adequately reflected. However, in the era of rapid advances in digital technologies, it is required that those involved in the protection of human rights (lawyers, activists, etc.) keep pace with the technology. They should be simultaneously cautious and open-minded, and cooperate with "tech" people (who is not always good in understanding human rights).

Everybody should understand that Digital Revolution is irreversible. Thus, we need to think about benefits the society may face, while addressing risks of the technology may bring.

4. In your opinion, are there any gaps or overlaps in existing efforts to respond to the issue of new and emerging digital technologies? Are some human rights or technologies being overlooked?

Human rights can be easily overlooked rather than technologies.

Advisory Committee of the Human Rights Council
Questionnaire on new and emerging digital technologies and human rights

The most vulnerable rights are ones that are privacy-related, especially in the era of BigData and Artificial Intelligence.

5. As opposed to focusing on a selected few technologies, do you think a holistic and inclusive approach will help reduce any gaps in the existing system for addressing human rights challenges from new and emerging digital technology?

There is no “silver bullet” – some existing systems may not be easily modified in order to become “human-rights-friendly”. In some cases, some of the systems were being designed in such a way that changing their initial profile requires big efforts.

However, this may not apply to all systems. Some of the old ones may have small gaps, which can be simply addressed today. Thus instead of promoting new, fancy and sometimes even not field-proven technology, it would be much practical to just fix the existing one.

International agreement for protection of human rights should be technology neutral. If specific technological solution needs to be reflected, that can be done on a lower level.

6. What should be the role of the private sector in mitigating the risks of new and emerging digital technologies to human rights? What about the roles of other key stakeholders?

Private sector should be involved in order to ensure multi-stakeholder approach in the decision-making process, the role of private sector could be consultative and advisory to mitigate the identified risks.

The private sector will always stay committed to its basic purpose – increase its revenue. This can be a key driver for innovation. Thus, on the one hand, other key stakeholders shall stay cautious not to kill the innovation, and on the other hand not to violate human rights.

Specific questions for States

1. What measures, if any, (legislative, administrative, institutional, or other) have been put in place in your country to deal with human rights risks arising from new and emerging digital technologies? Are these measures still in the process of being implemented? If not, why are they no longer in progress?

The law of Georgia “On electronic document and electronic trust service”, based on the Regulation (EU) 910/2014 (eIDAS Regulation) and respective bylaws contain provisions, which guarantee accountability of the electronic trust service providers and their supervision. These measures are designed to ensure protection of privacy, consumer protection, etc.

LEPL of the Ministry of Justice of Georgia – Public Service Development Agency, as a sole qualified trust service provider in the country, has already adopted internal regulations, which are in line with the requirements of the above-mentioned legislation.

Besides, the core principle of Georgia’s National Cybersecurity Strategies (for 2013-2015; 2017-2018; new draft for 2020-2022) is to protect human rights while ensuring the cybersecurity as both have the equal legacy. All cybersecurity regulations are drafted and implemented in a way to ensure strong oversight mechanisms.

2. How are new and emerging digital technologies affecting the protection and promotion of human rights in your country? What unique challenges or advantages does your country have in responding to the issue? What are the lessons or best practices that can be shared?

Emerging digital technologies could be used for the protection of human rights and freedoms, including the right to privacy, in the course of personal data processing. Electronic database, when it is used properly, unlike material data storage, creates subsequent control mechanism for ensuring high standards of personal data protection.

Measures taken by LEPL of the Ministry of Justice of Georgia – Public Service Development Agency include not only the insurance of information security (which is essential to keep personal data safe) but also the adoption of the internal data protection policy documents and establishment of terms of storage and restriction of the access to personal data.

Technical and organizational measures, used by LEPL – Public Service Development Agency prevent unlawful collection, retention, processing, use or disclosure of personal data that could violate human rights. Access to personal data is allowed to securely authenticated and duly authorized persons only. The authorization system is strict, and the electronic systems ensure legitimate access to the data, this includes sharing the data with the external parties (Public and Private Organizations) also transmitting information to the organizations through clearly identified legal grounds under legal requirements.

LEPL – Public Service Development Agency also acts as an electronic identification and trust service provider. With all necessary organizational and technical controls in place, it issues secure identities to the natural and legal persons. Use of the qualified electronic signature and qualified electronic seals, as well as electronic ID cards as the most secure electronic identification means, simplify access to various public and private services and promote equal opportunities.

Apart from this, in order to enhance enforcement of rule of law, protection of basic proprietary human rights, in Georgia, availability of property title documents is ensured in blockchain technology. This decreases the risks of violation of property right.