Don't Tempt Me; I can bite

Analysing an Imbalance of Power Ethics:

A case of the University of Ghana vs. the Data Commission

-Athanasius Afful

University of Ghana

2 TENSIONS:

Community Engagement
(Collecting AI data)

Institutional Control
(Collected AI data)

Case Study

Accra Urban Adolescent Nutrition Study

October, 2021

1 000+
participants
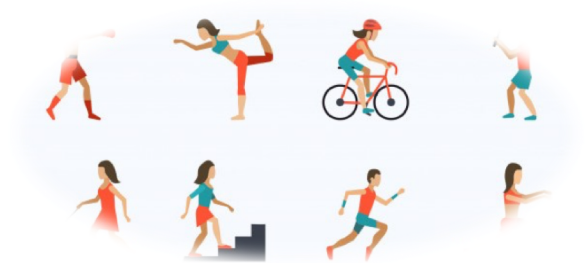(Age:12-19)

Dietary requirements

Nutritional status

Physical Activity

A major Requirement

Wear

GPS/Accelerometer

For 10 days

Blood Sample

after 10 days

GhanaWeb

Menu › **News**

Data Protection Commission halts UG School of Public health 'nutrition research' over data breach

DPC
GHANA

DATA PROTECTION COMMISSION
www.dataprotection.org.gh

Some parents and teachers expressed worry over the research method

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UG's Accra Urban Adolescent Nutrition study halted

9th Jun 2022 | Source: BusinessGhana

Executive Director for DPC, Ms Patricia Adusei-Poku

The Data Protection Commission (DPC) has urged universities in Ghana to use the University of Ghana, Legon as a case study when conducting studies on data subjects.

This was after an Accra Urban Adolescent

DPC poised to ensure Data Controllers remains accountable to their Data Subjects

By **Sammy Adjei** – June 9, 2022

Patricia Adusei-Poku, Commissioner and Executive Director of the Commission

It will be recalled that The University of Ghana School of Public Health had commenced a research study known as the Accra Urban Adolescent Nutrition study which was made public in October 2021.

8th June, 2022

- Halt the Study

- Contact Partners

- Conduct a DPIA

Why?

Concerned Parents/Teachers

UG not registered as a Data Controller

Breach of contract

Required Compliance

_____

What was the problem?

Not Ethics

Legality
Power
Relevance
Recognition

DATA PROTECTION COMMISSION

Personal Data

Acquire, Hold,
Use, Disclose data

To fulfil its mandate, the DPC has powers to:

- ❖ make the administrative arrangements <u>it considers appropriate for the discharge of its duties</u>

- ❖ investigate any complaint under the Act and <u>determine it in the manner the Commission considers fair</u>

- ❖ keep and maintain the Data Protection Register

<div align="right">Data Protection Act 843, 2012</div>

- DPC has too much power
- Judge
- Define Fair, Appropriate, etc.
- Imbalance
- Arbitrariness
- Public Interest vs public interest

- All other institutions at their mercy
- Intrusions
- Enforce Compliance

Pretext for 'investigation'

Definition of community

Who should be engaged

Summary

- ❖ Use of AI relatively novel in LMICs
- ❖ Mistrust of institutions associated with AI data
- ❖ Community scepticism
- ❖ Mistrust engenders strict laws and compliance
- ❖ Imbalance which stifles AI-dependent research

- ❖ Re-definition of ethical requirements
- ❖ Boundaries of community engagement

Appreciation

Dr. Caesar Atuire
Adrienne Hunt
Lauren
Rhydderch
Arlene Smith