Deletion Poems
Eds. Rachel Douglas-Jones and Marisa Cohn
2016
The Trilogue talks have come to fruition
A new framework on data transmission
Approved and published by the Commission
With a two year period for transition
A triumph of legislative ambition
Forging the Union’s steadfast position
Data processing shall, without detrition
Be made to serve the human condition
Now read it, Slowly. Line by line
As tech and legal terms combine
To consider consents, privacy by design
Ensure products and policies align
Make information notices sublime
And minimize risk, while there’s time

2018
For two years we worked on every aspect
Of this new law for the data subject
Contracts are updated, tick boxes unchecked
ROPs set out the data we collect
PIAs ensure that Products protect
Rights to access, erase, port, correct and object
But nobody knows quite what to expect
As today the Regulation takes effect
So where does that leave us now, o client?
On these data flows you are reliant
Without them your business is abeyant
You can’t cut off Europe or be defiant
The four percent files are reliably giant
Time to be GDPR compliant!

Calum Docherty
As the 25th of May 2018 approached, across Europe talk of the General Data Protection Regulation, or GDPR, grew. Emails started arriving in our inboxes, personal and professional, asking us to consent to be on lists. Many went ignored. The university began re-curating its websites, and across the tech world where our students were embedded in fieldwork, GDPR meetings took place behind closed doors. “Compliance” was mere months, weeks, days away, yet nobody was quite sure of the repercussions of getting it wrong. Notably, while articles aimed at the new cadre of compliance officers multiplied, few successfully broke down the gist of GDPR: what did it actually mean in practice for “data subjects”? With what rights were they newly bestowed?

At the start of 2018, the ETHOSLab took Speculative Instruments as a coordinating theme for our activities. We were interested in methods as techniques of exploration, the openness of enquiry and query that centers wonder and puts it to work. We began collecting the GDPR hashtag being used on Twitter, harvesting the thousands of tweets to visualize the connections being made across digital space as anxiety about GDPR grew. Our researchers in the field were finding that in discussions of the new regulation, tensions were growing between its aims to both facilitate a digital market through data portability and protect rights to privacy. Can data be both personal and commodifiable?

As the data subjects of new Europe were under construction as May drew closer, we decided we would engage more practically. When the date of compliance arrived, a party was in order!

What started as an idea motivated as the antithesis of a Working Party on GDPR compliance, became the Great Deletion Poetry Rave, which would be hosted at the IT University of Copenhagen during the Danish STS conference. Word of the party spread through our students and their networks, ending up registered on gdprparty.eu, a collection of other events across Europe marking the moment GDPR became active legislation. It also spawned a sister event in Oxford, at the ETHOX Centre housed in the Big Data Institute, where one co-heads of Lab was a visiting researcher.

The two parties took on different forms. The Copenhagen event was held on the eve of GDPR in the Lab, with blackout windows against the summer light. The walls were pasted floor to ceiling with the legislation, and lamps brought from nearby offices illuminated the pages. We commissioned a video installation from David Cohn, a conceptual artist working in Massachusetts. His work draws on reflexivity in the theory of editing, presenting images not only as images but as constructs (Cohn n.d.), an ideal accompaniment for a deletion party. In Oxford, the lunchtime event drew researchers from across the University, particularly those based in the Oxford Internet Institute and the new Big Data Institute. In contrast with the Copenhagen wall of text, participants selected a page from the legislation and took it away to a nearby table, spending time both with it and the various coloured pens made available. A large box of Bassett’s Jelly Babies provided an incentive to approach the ‘stall’, with Data and Ethics researcher Federica Lucivero inviting participants to “del-eat” the Jelly Baby “data subject” once one’s poem was underway.

What the events in Copenhagen and Oxford had in common was their organization around deletion, or erasure poetry. A favoured technique of 1960s radical poets, the idea of erasure (or ‘blackout’) poetry is to take a text that already exists and remove words through deletion or erasure, with what remains forming the new text. The idea to make deletion poetry from GDPR came from two sources. First, John Burnett, a PhD student working with Douglas-Jones has been focusing on what it means to delete data when it carries such promise and the rhetoric of future value. Emerging from his doctoral work on a Danish controversy about the jurisdiction and practicalities of erasing data, deletion is a concept Burnett is working with in his academic articles. Second, we took inspiration from Douglas-Jones’s familiarity with the work of Hong-Kong British poet Sarah Howe. In her Harvard Radcliffe talk titled ‘Two Systems’ Howe presents a poem from a collection she began in 2014. The source text is the Basic Law of Hong Kong, a document negotiated by Beijing and London during the 1980s during the countdown towards the handover of sovereignty of...
Hong Kong to China, which took place 1st of July 1997. As the points out in the talk, the title of her project (Two Systems) is itself an erasure, from constitutional idea of “One country, two systems” wherein the handover documents state that Hong Kong’s way of life should remain unchanged for 50 years, the Basic Law’s timeframe thus enshrining “within itself its date of undoing” (Howe 2015).

Like us, Howe was drawn to using deletion poetry to broaden engagement with a legal document, an activity carrying a political agenda. As she commented to Clare Tyrrel-Morin in an interview to the South China Morning Post’s Magazine, “I thought it would be a perfect thing, you could sort of have a public art project, you could have pages of the Basic Law and Tipp-Ex or white paint and ask everyone to erase their own page from it:

It was satisfying, in a childlike-way, to set about these pages from the Basic Law with Photoshop’s eraser tool. I imagined myself releasing their anarchic, subversive, gloriously vulgar undersongs. I was delighted to find, in amongst the nonsense, touches of sense emerging: allusions to the current unrest about Hong Kong’s path to universal suffrage (‘Power to the People’), or, more subtly, to its colonial past. (Howe 2014)

The 260 pages of GDPR text were available on the websites of the European Commission. We downloaded them. Few beyond lawyers would actually read them, and the rights they contained would go un-read. Poetry, we reasoned, would work for us as a speculative instrument. It would, through the challenge of creativity, open questions about party-goers ignorance of GDPR, as much as it would allow them to engage in the deletion to which they were now legally entitled. We would find the nonsense, the ‘gloriously vulgar undersongs’ (Howe 2014) of the GDPR. We would have a public art project of our own, where data, rights, and data controllers would be closely (perhaps overly closely) scrutinized in the making of new meaning.

The poems in this chapbook are selected both for their poetic flair and their aesthetics. Some manage both. During meetings in the summer of 2018, we read the poems aloud to one another, discussed their aesthetic merits and rhythms, where the intonation should fall. Photographed and scanned, the texts bring forward the materiality of deletion, from fast brush strokes of impatient pens to painstaking tipp-ex, hard edged marker and scribbled Crayola colour.

The opening poems in the collection take the deletion task literally, working with erasure and what is left. Then, rhymes and art come forward, brief and abstract poems contrast with wordy ones, minimal selections and poems that retain the hint of legalese. The anonymous authors make use of rhythm. We listened for repetitions and rhymes, statements of subversion and politics. Our poets, like Howe, found characters emerging in line with repetitions in the legal text, working with the qualities of the language not against it. In the GDPR, as much as in the Basic Law, words cascade down the page: highlighting data, data, data, should should should, super super super (poems 8, 12 and 13). We selected poems that bring forward the body. The final two, 19 and 20, illustrate our most complex and our most simple poems. One to be read forwards then backwards and one consisting of just five words, which took nearly an hour to write. They show the range of what participants in these events made possible, and the power of the poem as an instrument of enquiry. We encourage you to read the poems aloud.

References


Coupling

17

Coupling

16

Coupling can obtain great
and can obtain essential knowledge about the
life of people and improve the efficiency of social
order. In order to fulfill this goal, research and
process of scientific data

17

16

(157) Coupling can obtain great

17

16

(158) When preserved as memory or archived as part of digitization,
apply to the acquisition, arrange, describe, communicate, promote, disseminate
and endowment value for the general public.

17

16
The controller referred to in Article 1 shall not refuse to act on the request for information. The data subject may be me. The information shall be free. The controller may charge a fee taking into account the costs for communication.
Every subject of a work on the progress has a right to an effective remedy against each person who has the right to a an opinion

Where a decision is the

regressively against a controller.
The right to data have been infringed as a result of regulation.

Controller shall be brought before the courts for the public exercise of its public powers.
2. The lead body may, at any time, consult any person or persons concerned in particular for carrying out the implementation of measures to control or process in another body.

3. The lead body may, without delay, communicate their views on the matter to the other body and without delay submit to the other body, for their concern, their opinion of their views.

4. Where any of the lead body has a relevant and reasoned objection and has not been consulted in a consistent manner, then, within a period of two weeks after having been consulted, it shall, following the consistency mechanisms referred to in Article 11, make a relevant and reasoned objection, having regard to the consistency mechanisms referred to in Article 11.

5. The lead body in any case intends to follow the relevant and reasoned objection made in the other body. Any other person concerned in a matter of a lead body in any case shall be subject to the procedure referred to in Article 11, where the procedure is completed within a period of two weeks.
(142) Where a data subject considers that his or her rights under this Regulation are infringed, he or she should have the right to mandate a not-for-profit body, organisation or association which is constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest and is active in the field of the protection of personal data to lodge a complaint on his or her behalf with a supervisory authority, exercise the right to a judicial remedy on behalf of data subjects or, if provided for in Member State law, exercise the right to receive compensation on behalf of data subjects. A Member State may provide for such a body, organisation or association to have the right to lodge a complaint in that Member State, independently of a data subject's mandate, and the right to an effective judicial remedy where it has reasons to consider that the rights of a data subject have been infringed as a result of the processing of personal data which infringes this Regulation. That body, organisation or association may not be allowed to claim compensation on a data subject's behalf independently of the data subject's mandate.
The data subject

Right of access to the data subject

1. The data subject shall have the right to obtain from the controller, without undue delay, access to the personal data concerning him or her and obtain the following information:

(a) the purposes of the processing;
(b) the categories of data concerned;
(c) the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
(d) where possible, the envisaged period for which the personal data will be stored, or if not possible, the criteria used to determine that period;
(e) the existence of the right to request the controller to rectify or erase personal data or restrict the processing of personal data concerning the data subject, to object to such processing;
(f) the right to lodge a complaint with a supervisory authority;
(g) where the personal data are not collected from the data subject, any available information as to their source;
(h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2. Where the personal data are processed by automated means, and where the data subject has previously given consent, the data subject shall have the right to receive such personal data in a common and readable format to transfer it to another controller, in so far as it is technically feasible.

Section 3

Rectification and erasure

Article 16

Right to rectification

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.
Where for a purpose or another purpose the purpose for which we have been intended and the relationship between data is appropriate consent, the subject is personal.

If consent is given, this shall not be binding, withdrawal of consent shall not be easy.
Article 57

Tasks

1. enforce the understanding of rules, and rights and freedoms

2. provide data to investigate and inform

or

and inform information and data

Data
This video installation at the GDPR event provided an artist’s interpretation of key two changes associated with the new regulation: increased territorial scope and the right to be forgotten. A pair of collage animations with synchronised audio, “Digital Territory” and “Zero Memory”, brought an ambivalent ambience, casting an ominous but playful gaze over the darkened room. Through repetitive, matched, simplistic colour choices and recurring symbols, the artist’s video installation proposes a pseudo-language. The ambiguous iconography frustrates the need for clear meaning while also encouraging free associations of internal connectivity.
object.

To safeguard, in particular, important objectives of public interest, the rights of the data subject should be limited to such an extent that the protection of the personal data interests cannot be upheld, if the protection of the public interest, which outweighs the personal data interests, is objectively justified in a proportionate manner. In any event, when applying the principle, the interests of the data subject, the importance of which is determined by the principle itself, should be considered. In applying this principle, the interest in the protection of the personal data interests, which may be overridden by the requirements of public interest, should be weighed against the public interest, which is to be protected. The authority concerned should be prohibited from any processing which is not compatible with the protection of personal data interests, if such processing is not compatible with the protection of personal data interests.

Object

safeguard,

the data subject
including the right to object,

the authority
should be prohibited

secretory.
In order to ensure the consistent application of this Regulation, the Board should be set up as an independent body of the Union. To fulfil its objectives, the Board should have legal personality. The Board should be represented by its Chair. It should replace the Working Party on the Protection of Individuals with Regard to the Processing of Personal Data established by Directive 95/46/EC. It should consist of the heads of a supervisory authority of each Member State and the European Data Protection Supervisor or their respective representatives. The Commission should participate in the Board’s activities, unless the Member States and the European Data Protection Supervisor should have specific voting rights. The Board should contribute to the consistent application of this Regulation throughout the Union, including by advising the Commission, in particular on the level of protection in third countries or international organisations, and promoting cooperation of the supervisory authorities throughout the Union. The Board should act independently when performing its tasks.

The Board should be assisted by a secretariat provided by the European Data Protection Supervisor. The staff of the European Data Protection Supervisor involved in carrying out the tasks conferred on the Board by this Regulation should perform its tasks exclusively under the instructions of, and report to, the Chair of the Board.
In applying the consistency mechanism, the Board should, within a determined period of time, issue an opinion, if a majority of its members so decides or if so requested by any supervisory authority concerned or the Commission. The Board should also be empowered to adopt legally binding decisions where there are disputes between supervisory authorities. For that purpose, it should issue, in principle with a two-thirds majority of its members, legally binding decisions in clearly specified cases where there are conflicting views among supervisory authorities, in particular in the cooperation mechanism between the lead supervisory authority and supervisory authorities concerned on the merits of the case, in particular whether there is an infringement of this Regulation.

A supervisory authority shall be justified within a specified period of time.

A supervisory authority could be to produce legal effects.

A supervisory authority could be to produce legal effects.
40. In order for processing to be lawful, personal data should be processed on the basis of the consent of the data subject concerned or some other legitimate basis, laid down by law, either in this Regulation or in other Union or Member State law as referred to in this Regulation, including the necessity for compliance with the legal obligation to which the controller is subject or the necessity for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

41. Where this Regulation refers to a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant to the constitutional order of the Member State concerned. However, such a legal basis or legislative measure should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union (‘Court of Justice’) and the European Court of Human Rights.
Best practices

presentation

procedure

best practices

guidelines

best practices

best practices

best practices

best practices

best practices

best practices

best practices

best practices

notes of conduct

certification bodies

accreditation

certification

opinion

adequacy
data should serve mankind. The absolute right; to be free and free and free to flow natural to cooperate and exchange to carry develop and globalise for the protection of person and person transform the Union to social and facilitate the free flow of person Natural persons should be enhanced as far as necessary to prevent fragmentation or widespread perception of competition of existence to remove obstacles to natural persons no compliance with exercise of authority Member States should not exclude the process in lawful condition the process determin or
When a complaint has been rejected or dismissed by a supervisory authority, the complaint may bring proceedings before the courts in the same Member State. In the context of judicial remedies relating to the application of this Regulation, national courts which consider a decision on the question necessary to enable them to give judgment, may, or in the case provided for in Article 267 TFEU, must, request the Court of Justice to give a preliminary ruling on the interpretation of Union law, including this Regulation.

Furthermore, where a decision of a supervisory authority implementing a decision of the Board is challenged before a national court and the validity of the decision of the Board is at issue, that national court does not have the power to declare the Board's decision invalid but must refer the question of validity to the Court of Justice in accordance with Article 267 TFEU as interpreted by the Court of Justice, where it considers the decision invalid. However, a national court may not refer a question on the validity of the decision of the Board at the request of a natural or legal person which had the opportunity to bring an action for annulment of that decision, in particular if it was directly and individually concerned by that decision, but had not done so within the period laid down by Article 263 TFEU.
1. personal

2. in so far as
Lawfulness processing

1. Processing shall be lawful only if at least one of the following applies:
   (a) the data subject has given consent to the processing of his/her personal data for one or more specific purposes;
   (b) processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract;
   (c) processing is necessary to comply with a legal obligation to which the controller is subject;
   (d) processing is necessary in order to protect the interests of the data subject or of another natural person whose personal data is processed and who can reasonably be presumed to consent to the processing in question;
   (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

2. Processing is not lawful if the purpose of the processing is to be specified in the context of a situation or transaction requiring the processing of personal data in particular where the data subject's fundamental rights or freedoms are not subject to any special restrictive measures.

Member States may, however, by way of derogation from the provisions of paragraphs 1 and 2, adopt regulations concerning the processing of personal data for the protection of public security, the protection of the data subject or of the rights and freedoms of others, and the processing of personal data in the course of official authorities exercising their duties.

3. The basis for the processing referred to in points (c) and (d) of paragraph 1 shall be laid down by law or by the rules of the community, or by regulations or administrative measures to be adopted by the competent authorities.

4. The purpose of the processing shall be determined by the controller at the legal basis or, as regards the processing referred to in point (c) of paragraph 1, by the criteria to be used in determining the purposes, means, procedures and period of retention of the personal data, and shall be notified to the controller and the data subject. The criteria shall also include the criteria to be determined by the controller; the personal data subject shall be subject to measures which, in substance, are not necessary to ensure the privacy and data protection rights of the data subject, and which the personal data subject shall not be required to carry out in order to comply with the purpose of the processing.

The data subject has the right to be informed without delay of the right to rectify, restrict, or erase the personal data or to object to the processing of his/her personal data. The data subject has the right to withdraw his/her consent to the processing at any time.
Their nature is to communicate.
The ETHOSLab is a feminist technohumanities lab based at the IT University of Copenhagen, and was founded in 2015 by Marisa Cohn and Brit Ross Winthereik to support critical engagement with data visualization and digital methods. Today it is headed by Marisa Cohn and Rachel Douglas-Jones, and hosts externally funded research projects on big data, the internet of things, AI, and a series of junior researcher projects.

The ETHOS Centre at Oxford University is a multidisciplinary bioethics research centre that aims to improve ethical standards in healthcare practice and in medical research through education, research and the provision of ethics support to health professionals and medical researchers. Due to the generosity of the Caroline Miles visiting fellowship, Rachel Douglas-Jones was at ETHOX during the launch of the GDPR. Since 2018, ETHOX has been based in the Li Ka Shing Centre for Health Information and Discovery at the Big Data Centre, University of Oxford.

Rachel Douglas-Jones is an Associate Professor at the IT University of Copenhagen where she is head of the Technologies in Practice research group and co-directs the ETHOSLab. She is a social anthropologist and STS scholar, focusing on the intersection of biomedicine, ethics and technology. Her broader research interests include evaluation, audit culture and monitoring.

Marisa Cohn is an Associate Professor at the IT University of Copenhagen where she co-directs the ETHOSLab. Her research sits at the intersection of anthropology, STS and HCI, and she has conducted research on the lifetimes of systems and software obsolescence.

Simy Kaur Gahoonia is the Lab Manager of ETHOSLab, and was the coordinator of the installations for the GDPR poetry party and the Compliance bubble. She is a graduate of Digital Innovation and Management (IT University of Copenhagen) and interested in questions of data justice and participates in Copenhagen based Coding Pirates.

Calum Docherty is a privacy and information lawyer based in London, specializing in EU Data Protection Law. He has advised European, American and Chinese internet companies on GDPR since the regulation was published in 2016. He chose the Petrarchan sonnet for his preface as a nod to the Italian data protection supervisor Buttarelli. His favourite recital is Recital 4.

David Cohn is a visual artist who makes videos that combine his own performances with lo-fi digital animation. Through repetitive, matched, and often simplistic color choices and recurring symbols, the works demonstrate both an internal logic and a personal need for order. Whether by exposing this need or by presenting the systems he uses to solidify his sense of self, he performs a relation to the viewer that is both close and distant. The two videos produced for the GDPR event were entitled digital territory and zero memory, and ran on a two screen loop display during the Copenhagen based event.

Bertil Johannes Ipsen is the ETHOS Lab Assistant 2018–19 and a Masters candidate in Social Anthropology at Lund University, Sweden. He has a background in TechnoAnthropology from Aalborg University, and during his first semester at ETHOS, created the extractions of the deletion poems that appear in this collection.

Acknowledgements

We would like to thank all of the participants in both GDPR deletion parties. In Oxford, Nina Hallowell, Christa Henrichs, Mary Foulkes, Jane Benart, Federica Lucivero and Jennifer Roest got into the project and went along with requests for balloons, jelly babies and more. Patricia Kingori, Mike Parker and Angeliki Kerasidou made the visit possible – many thanks. In Copenhagen, we thank the Danish STS Association (DASTS) in particular the DASTS 2018 “Data Moment” conference organizing committee, James Maguire, Christopher Gad and Bastian Jørgensen, for supporting the printing of this chapbook. ETHOSLab depends on Simy Kaur Gahoonia in all ways. The deletion parties were dreamed in meetings that consisted of Baki Cakici, Pedro Ferreira, Marisa Cohn and Rachel Douglas-Jones.
Article 15

Right of access by the data subject

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of the processing;
(b) the categories of personal data concerned;
(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
(f) the right to lodge a complaint with a supervisory authority;
(g) where the personal data are not collected from the data subject, any available information as to their source;
(h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Section 3

Rectification and erasure

Article 16

Right to rectification

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Article 17

Right to erasure (‘right to be forgotten’)

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

(a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed.
The GDPR Deletion Poems collection is the result of two “Great Deletion Poetry Raves” held in May 2018, at the launch of the European General Data Protection Regulation. Out of the many erasure poems created in Copenhagen and Oxford, Rachel Douglas-Jones and Marisa Cohn, co-heads of the ETHOSLab at the IT University of Copenhagen, have selected twenty that highlight poetic license, creativity and engagement with the new protections of GDPR.

About the book

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