DATA REFUSAL FROM BELOW: A FRAMEWORK FOR UNDERSTANDING, EVALUATING, AND ENVISIONING REFUSAL STRATEGIES

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Extended Abstract

Amidst calls for public accountability over large data-driven systems, feminist and indigenous scholars have developed refusal as a practice that challenges the authority of data collectors. However, because data affects so many aspects of daily life, it can be hard to see seemingly different refusal strategies as part of the same repertoire. Furthermore, conversations about refusal often happen from the standpoint of designers and policymakers rather than the people and communities most affected by data collection. In this paper, we introduce a framework for *data refusal from below*—writing from the standpoint of people who refuse, rather than the institutions that seek their compliance. We characterize refusal strategies across four constituent facets common to all refusal, whatever tactics are used: *autonomy*, or how refusal accounts for individual and collective interests; *time*, or whether refusal reacts to past harm or proactively prevents future harm; *power*, or the extent to which refusal makes change possible; and *cost*, or whether or not refusal can reduce or redistribute penalties experienced by refusers. We illustrate each facet by drawing on cases of people and collectives that have refused data systems. Together, the four facets of our framework are designed to help scholars and activists describe, evaluate, and imagine new forms of refusal.

Refusal is a practice of saying "no" to how data is collected or used, and rejecting the processes, goals, or authority of data collectors. A First Nations community might force governments and academics to follow community-defined research policies [5]. A family might try to refuse ecommerce data collection [12]. A citizens group might sue a government agency for engaging in domestic surveillance [4]. In our time, corporations

and governments continue to collect data to run systems that profoundly affect every element of people's daily lives. Because these systems reach across many different domains, acts of refusal can take on many different forms. As a result, it can be difficult to see the diverse acts of refusal undertaken by individuals and collectives across society as instances of a broader movement.

To begin to describe these actions, feminist and indigenous scholars have developed *refusal* as a broad concept for understanding the agency of the people whose lives are affected by data regimes [1, 2, 3, 6, 7, 8, 9, 10, 11, 13]. These concepts matter because while activists and community leaders are using the idea of refusal to build shared conversations and to explain their work. Yet, as new ways to use and collect data continue to be invented, so do new ways to refuse. How can people both understand existing practices as acts of refusal, and also think systematically about how refusal emerges in response to the design of data systems?

To address this question, we develop the idea of *data refusal from below* by presenting a design framework for illuminating the spectrum of refusal. The options available to communities are shaped by policymakers, computer scientists, and designers who influence what kinds of data refusal to require, allow, or prevent. Communities navigate these technical and institutional constraints to arrive at creative ways to resist, disrupt, or pursue alternatives. We recognize the process of discovery that enables new refusals as a generative practice of design. To support refusers in this work, we adopt the idea of a "prism of refusal" from Benjamin [2] to characterize refusal strategies across four constituent facets: *autonomy*, *time*, *power*, and *cost*. These facets are considerations that apply to all refusal, whatever tactics are used. We illustrate each of these facets with cases of people who have refused systems of data power. By considering these four facets, we hope marginalized communities can envision and organize refusals that more directly meet community needs and advance a just world.

Starting from the standpoint of people most affected by data collection, we write about and for those who are typically excluded from design decisions about data-driven systems. Scholarship on refusal has largely focused on actions that designers and policymakers can take to create change within powerful institutions. However, when research on data refusal primarily focuses on the standpoint of small groups of influential people, scholars risk sidelining the goals and perspectives of the vulnerable and marginalized. Furthermore, we risk entrenching theories of change that rely on the decisions and goodwill of elites, rather than supporting people's agency to shape their relationships to data regimes. For activists, this framework offers a way to explain their work within and alongside marginalized communities as part of a broader movement of refusal. It also offers a way to think about how their acts of refusal fit into a broader terrain of possible actions. For designers and scholars, this framework offers a way to understand the actions of refusers as a form of participation in technology design. Just as data systems affect people's everyday lives, the agency people exert within systems — including through their non-participation — exert pressure on the design of new technology in response to changing behaviors and collective actions.

In this paper, we advance the idea that refusal can be theorized as an act of design, and provide a framework for thinking about current and future acts of refusal. The

concept of data refusal from below draws on conversations in feminist standpoint theory, understanding acts of refusal undertaken by the marginalized differently from refusal by the institutionally privileged. We argue that refusal can be thought of as an act of designing alternate social configurations. Seeing refusal as design — and by extension, refusers as designers — creates opportunities for design-oriented theory and methods to contribute to the continually-evolving practice of refusal. Design frameworks serve descriptive, evaluative, and generative purposes by giving scholars language to describe and compare artifacts in the world, and imagine new design possibilities. We present a framework consisting of four facets of refusal: autonomy, time, power, and cost. When introducing each facet, we use real-world cases to highlight important considerations that apply generally when using the framework to analyze instances of refusal. Finally, we explicate the descriptive, evaluative, and generative uses of the framework, reflect on how designers can learn from acts of refusal, and articulate a vision for a politics of refusal in a world shaped by large institutions.

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