OVERCOMING OBSTACLES TO SURVEILLANCE RESEARCH: LESSONS FOR CIVIL SOCIETY

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AI surveillance deployments often lack transparency, and civil society organizations (CSOs) investigating these systems need creative strategies to overcome evasiveness by vendors and officials. Through research, advocacy campaigns, and public interest litigation, Asociación por los Derechos Civiles (ADC)[69] is working to counter opaque and unregulated uses of surveillance technology in Argentina's public spaces. Here, ADC project leader Eduardo Ferreyra discusses lessons from this work for CSOs looking to shed light on the AI-powered expansion of digital surveillance.[70]

CSOs face several common obstacles when researching surveillance technologies. First, **information on the nature and extent of surveillance systems is not readily available through public channels.** National and local governments do not publish detailed information about their agreements with vendors. Freedom of information requests filed by ADC met with little success. In some cases, local authorities invoked trade secrets or public security to refuse these requests; in others, we received no response at all. Although Argentina has a law on access to public information with sanctions for noncompliance, legal proceedings are too slow to provide an effective remedy.

We also tried to reach out to the private vendors that supply Argentine officials with their surveillance tools. In most cases, however, we did not manage to open direct lines of communication with company representatives. We sent emails to the few addresses we could find online but received no response. Since the multinational corporations that manufacture surveillance systems have headquarters outside Argentina, there are few opportunities to hold them accountable. Moreover, officials tend to acquire surveillance systems through local suppliers, rather than directly from the manufacturers. This practice enables manufacturers to evade scrutiny by obscuring their role.[71]

With vendors and officials both unwilling to engage with us directly, we had to rely on alternative strategies. Official statements served as a starting point. For instance, some surveillance systems were launched publicly by governments. In addition, we noticed that companies used surveillance deployments as marketing case studies on their websites. The Japanese IT company NEC, for example, showcased its provision of CCTV, license plate recognition, and facial recognition technology (FRT) for an urban surveillance program in the town of Tigre near Buenos Aires.[72] From marketing materials intended for other audiences, we can get a glimpse of vendors' relationships with the local public sector.

Independent journalists are also a critical source of information. Journalistic research helped us to shed light on the public-private partnerships behind surveillance deployments, as well as the poor human rights record of surveillance companies around the world. Thanks to *OneZero*, for instance, we learned that the city of Buenos Aires is allegedly using facial recognition software developed by a Russian company.[73] However, it is worth highlighting that most media outlets in Argentina usually uncritically portray surveillance tools as the solution to violence and crime.

Strategies to raise awareness around surveillance technologies

Our experience has imparted numerous lessons to us when it comes to investigating and raising awareness around surveillance technologies. Some of them are listed below:

1. Create coalitions with other CSOs: In the face of stonewalling by public officials and company representatives, organizations working on surveillance technology should be in touch with each other to obtain information, share contacts, and distribute research tasks. Our research on companies operating in Argentina was enriched by information provided by digital rights activists and journalists about the behavior of those corporations in other parts of the world.

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2. **Work closely with like-minded journalists:** Independent media can be a great asset in shedding light on surveillance deals, increasing public awareness, and fostering debate by questioning simplistic narratives around surveillance tech.

3. **Engage international actors:** Due to public image worries, governments may pay more attention to rights issues when they are raised by international advocacy groups or through global or regional human rights bodies. For example, Argentina's government removed child suspects' private data from a public database after Human Rights Watch sent a letter to the president requesting this change.[74]

4. **Highlight concrete concerns around surveillance systems:** Companies and politicians push surveillance as the answer to crime—regardless of whether the evidence supports this view. Publics with genuine safety worries may be inclined to accept this narrative. To foster informed deliberation about surveillance technology, CSOs and journalists need to go beyond abstractions and outline immediate concerns. For instance, will the biometric data collected by authorities be vulnerable to theft by cybercriminals?

Surveillance research in developing countries is challenging. Where opacity has deep roots in national political cultures, authorities may see few incentives to be transparent. Similarly, companies based abroad feel little meaningful pressure to turn over information. Under these circumstances, **CSOs must be collaborative and inclusive**. By working closely with one another, engaging with journalists and researchers, and leveraging the clout of the international human rights community, they can mitigate the asymmetries of power that help governments and companies to keep surveillance deals in the dark.

68   Weinberger writes: "use our existing policy-making processes—regulators, legislators, judicial systems, irate citizens, squabbling politicians—to decide what we want these systems optimized for. Measure the results. Fix the systems when they don't hit their marks. Celebrate and improve them when they do." For more information, please see: David Weinberger, "Optimization over Explanation: Maximizing the Benefits of Machine Learning Without Sacrificing Its Intelligence," *Medium,* 28 January 2018, https://medium.com/berkman-klein-center/optimization-over-explanation-41ecb135763d.

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69   For more information, please visit https://adc.org.ar/en/home.

70   This essay draws on research published in the December 2021 ADC report *Surveillance Technology in Argentina,* authored by Alejo Kiguel, Eduardo Ferreyra, and Leandro Ucciferri (available at https://adc.org.ar/wp-content/uploads/2022/03/ADC-Surveillance-Technology-in-Argentina.pdf) and in Gaspar Pisanu et al., Surveillance Tech in Latin America: Made Abroad, Deployed at Home, Access Now, 10 August 2021, www.accessnow.org/cms/assets/uploads/2021/08/Surveillance-Tech-Latam-Report.pdf.

71   Pisanu et al., *Surveillance Tech in Latin America,* 7.

72   The archived page is available at "Case Study: Integrated Urban Safety Solutions, Tigre City," NEC, 2016, https://web.archive.org/web/20170321095617/http:/www.nec.com/en/case/tigre/pdf/brochure.pdf (accessed 21 March 2017).

73   Dave Gershgorn, "The U.S. Fears Live Facial Recognition. In Buenos Aires, It's a Fact of Life," *OneZero,* 4 March 2020, https://onezero.medium.com/the-u-s-fears-live-facial-recognition-in-buenos-aires-its-a-fact-of-life-52019eff454d.

74   "Argentina: Child Suspects' Private Data Published Online," Human Rights Watch, 9 October 2020, www.hrw.org/news/2020/10/09/argentina-child-suspects-private-data-published-online.

Starting the Debate on Facial Recognition: A Case Study from Belgrade

75   Danijela Vukosavljević, "The Privacy of Citizens Will Not Be Endangered," *Politika,* 7 October 2019, https://www-politika-rs.translate.goog/sr/clanak/439334/Privatnost-gradana-nece-biti-ugrozena?_x_tr_sl=sr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc; and "What and When Will 1,000 New Cameras Be Filmed on City Streets," RTS, 9 February 2019, https://www-rts-rs.translate.goog/page/stories/sr/story/125/drustvo/3415215/sta-ce-i-koga-snimati-1000-novih-kamera-po-gradskim-ulicama.html?_x_tr_sl=sr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc.

76   Stojkovski, "Big Brother Comes to Belgrade."

77   "MUP Decision," letter published by SHARE Foundation, 7 March 2019, https://resursi.sharefoundation.info/wp-content/uploads/2019/03/Resenje-MUP-7.3.2019..pdf.

78   The archived page can be found at https://archive.ph/pZ9HO. For more information, please see: "Huawei Knows Everything About Cameras in Belgrade—And They Are Glad to Share," SHARE Foundation, 29 March 2019, www.sharefoundation.info/en/huawei-knows-everything-about-cameras-in-belgrade-and-they-are-glad-to-share/.

79   For a brief overview of these findings, please see: "Consultation on the proposal for the Zakon o Unutrašnjim Poslovima," published letter from EDRi, SHARE Foundation, 17 September 2021, https://www.sharefoundation.info/wp-content/uploads/EDRi-Civil-Society-consultation-on-the-proposal-for-the-Zakon-o-unutrasnjim-poslovima.pdf.

80   "Hiljade.Kamera.rs: Community Strikes Back against Mass Surveillance," SHARE Foundation, 19 May 2020, www.sharefoundation.info/en/hiljade-kamera-rs-community-strikes-back/.

81   "Draft Withdrawal A Step Towards Moratorium on Biometric Surveillance," SHARE Foundation, 23 September 2019, www.sharefoundation.info/en/draft-withdrawal-a-step-towards-moratorium-on-biometric-surveillance/.

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