

# Introduction

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Transparency is hard to pin down. It can be the condition of a substance or a physical object, a desirable or undesirable goal, and even an everyday practice of private or public persons, companies, organizations and institutions (e.g. Bessire, 2006; Hansen, Christensen, & Flyverborn, 2015). What holds various associations of transparency together is the idea that transparency allows something that is usually hidden, to be seen and to be made visible for scrutiny (e.g. Meijer, 2009, p. 258). Moreover, transparency is often argued to be able to reduce an existing information asymmetry (e.g. Bessire, 2006). In social sciences, transparency can be both an objective in itself, or the means to an end. On the one hand, transparency may be seen as equivalent to a high level of truth, trust or rationality (e.g. Lazarus & McManus, 2006, p. 928), and hence may be presented as a goal in itself, the height of good government. On the other hand, transparency may be considered as a “powerful means towards some desirable social end” (Hansen, Christensen, & Flyverborn, 2015, p. 118). Transparency has been argued to be, for example, the best possible way to “achieve better corporate governance” (Bessire, 2006, p. 425).

It is difficult to determine when and why something is really transparent. Often, transparency is mediated by arbitrators such as media or dedicated Internet websites, which aim to inform the public about how transparent, or often non-transparent, governments or other organizations are (Meijer, 2009, p. 258). This mediation illustrates all the more that transparency is not just a condition or a social end, but a complex phenomenon raising questions as to who or what is transparent in which way and for which reason as well as who demands transparency for which purposes. Here, the issue of surveillance comes into play, an aspect highly interlinked with transparency (e.g. Heald, 2006, p. 25). As has been argued “the surveillance of one individual or organization ... become[s] the transparency of another individual or organization” (Hansen, Christensen, & Flyverborn, 2015, p. 122). The outcome of turning things around this way is not neutral: surveillance is often associated with a degree of menace, and loses the often positive connotation of transparency (Heald, 2006, p. 26).

While claims for transparency are nothing really new, they have increased and intensified over the past decades (e.g. Bessire, 2006). What needs to be emphasized is that transparency, whether it is discussed as an ideal, a condition, a means or a social end, is omnipresent in our everyday lives (e.g. Bessire, 2006). Ultimately, it is the people dealing with transparency who determine what it is. They demand, promote, fear or prevent transparency. Moreover, some people may manipulate the concept of transparency so that it only serves their own interests (e.g. Bessire, 2006, p. 429). Thus, transparency can go different directions for different reasons. People and the way they determine and shape directions of transparency – being made transparent and making transparent – are the foci of this volume.

People can have links with and be involved in transparency issues in various forms.

These forms may be categorized under different directions of transparency, as conceptualized by David Heald. His model distinguishes between a horizontal and a vertical direction of transparency (Heald, 2006). On the horizontal axis, Heald describes transparency outwards and inwards. Whereas with the former, “the hierarchical subordinate or agent can observe what is happening ‘outside’ the organization” (p. 28), the latter refers to situations in which “those outside can observe what is going on inside the organization” (p. 28).

On the vertical axis, there is transparency upwards and downwards. These two directions are of particular relevance to this volume and will be discussed in various scenarios in each contribution. Upwards transparency refers to a situation in which “the hierarchical superior/ principal can observe the conduct, behaviour and/or ‘results’ of the hierarchical subordinate/ agent” (Heald, 2006, p. 27). Thus, transparency serves here as a mean for the superior to ensure that the subordinate acts in a, for the superior, correct and appropriate way (e.g. Hansen, Christensen, & Flyverborn, 2015, p. 123). As has been argued this form of transparency can be found in most existing states (Heald, 2006). Relating this direction of transparency back to the people, upwards transparency may be characterized as being created and utilized by the people as a tool. This tool allows them to proactively observe or monitor others and thus create transparency. At the same time, the observed are knowingly or unknowingly made transparent.

An illustrative situation for this direction of transparency may be one in which people in certain positions, often grouped as representing an organization or governmental body, want to ensure that other people important to them, such as employees, are transparent and thus observable. In this way, upwards transparency is again closely linked to surveillance (Heald, 2006, p. 39). Observation and transparency may not always be enforced however. Especially in light of online transparency, people may also decide to become knowingly transparent for their superiors. Then again, there is a fine line as to how and when superiors, governments or corporations may use any personal data making individuals transparent and when and how personal privacy and personal data needs to and can be protected.

Downwards transparency, on the other hand, refers to a situation in which “the ‘ruled’ can observe the conduct, behaviour, and/or ‘results’ of their ‘rulers’” (Heald, 2006, p. 27). More precisely, this describes situations in which for instance employees or citizens demand transparency of their employers or governments in order to be able to observe and assess their behaviour and actions. Moreover, whistleblowers and the processes they trigger can be linked to downwards transparency by making organizational misconduct transparent to the public. As argued by Heald (2006), “downwards transparency is a feature of democratic societies but not of totalitarian ones” (p. 37). From a people’s perspective, downwards, as opposed to upwards transparency, may be characterized as a form of transparency which naturally emerges through demands from the people. People create transparency but at the same time others, especially concerned institutions or organizations, are being made transparent.

As becomes evident, different directions of transparency, enhanced through ever evolving technology, can help to inform, improve and thus empower different people in their everyday choices and actions (e.g. Fung, Graham, & Weil, 2007, p. 173). The first five contributions of this volume can be related to upwards transparency in that they discuss different situations in which people are made transparent. The last three contributions follow the downwards transparency perspective in that they discuss how institutions and organizations can, or cannot, be transparent for people and how people themselves may demand more transparency.

The first contribution of this volume by Carolyn Gaumet analyzes people’s opinions with respect to online transparency and personal privacy. Especially in recent years, there has been a trend of people making themselves knowingly and willingly transparent by sharing what they like, do or feel on social media or respective apps. Hence, they create a substantial amount of personal data which then circulates in the world wide web. It becomes accessible to the wider public, oftentimes including third party businesses or governmental agencies. At the same time, people usually dislike the idea of their personal

data being used for profit or of being surveilled by third parties. This study thus aims to deepen the understanding on these potentially paradoxical actions of internet users and assesses how surveillance and privacy is understood and perceived by people from the US, South Korea and the EU. In order to do so, survey results are analysed.

The following contribution by Elisa Telesca moves from people being transparent online to people's opportunity to be not transparent anymore through invoking their Right to Be Forgotten. This right is included in the EU's recently adopted General Data Protection Regulation (GDPR) and, in basic terms, gives people the opportunity not to be (fully) transparent anymore. Hence, this right is highly important for people with respect to protecting their personal privacy and to limit their online transparency. In her study, Elisa Telesca analyses how national newspapers frame and present the Right to Be Forgotten to the public, thereby contrasting national differences between the US, the UK and Italy.

Having focussed on how newspapers present an issue related to transparency and privacy, the contribution by Iana Gein then focusses on how governments debate topics related to privacy and surveillance. The issue of privacy, especially when linked to surveillance, is not only important to private persons but also to the state. Consequently, national parliaments and governments commonly debate these topics in various ways and from different angles. This study analyses not only which political goals with respect to privacy and surveillance are pursued, but also how they are framed within the German Bundestag's political discourse.

While national governments pursue and present certain political goals with respect to protecting privacy and regulating surveillance, people's personal and private data is already commonly used by private sector enterprises for various purposes. Businesses may, for instance, regularly use personal data for purposes of people analytics. Through this, they can analyze future employees and adapt their decision-making respectively. In light of potential abuses of data, the EU's GDPR sets out to regulate the use of personal data and to *inter-alia* protect people's privacy. Hence, businesses' activities are likely to be impacted. In her study, Nella Junge analyzes and assesses these potential implications of the GDPR on businesses' people analytics practices.

A more theoretical approach towards surveillance practices is provided in Francesco Lanzone's contribution, constituting the last chapter which can be related to upwards transparency. He critiques surveillance practices in a holistic and interdisciplinary manner by testing the theory of political economy of surveillance on the case of the EU's GDPR. In his study, the issue of surveillance practices employed for commercial purposes is addressed through a case study of the first major attempt to regulate cyberspace. Indeed, the GDPR is said to represent a new "digital gold standard" for data protection and regulation of online interactions. The author aims to deconstruct the philosophical and political foundations of this piece of legislation in order to assess whether a "political economy of surveillance" is present and applicable to this particular case, and its consequences on online and offline rights to privacy and self-determination.

Moving from the perspective of upwards to that of downwards transparency, the contribution by Mehmet Aktas addresses the topic of transparent EU institutions. How transparent EU institutions are, arguably depends to a large extent on how easily the public can access EU institutions' documents. Unsurprisingly, the EU has already adopted a regulation which governs this access to EU information. Recently, amendments to this Regulation were scheduled but they quickly came to a standstill. In his study, Mehmet Aktas investigates how the halt on this regulation's amendments can be explained by analysing the opposing positions of European Parliament and European Commission.

Not only the access to EU institutions' documents is important in terms of transparency, but also the access to data of national governments and municipalities may be demanded by people. Such Open Government Data initiatives already exist in different countries, aiming to create more transparent governments. However, these initiatives are often not fully beneficial considering their use and utility. This constitutes the starting point of Marlon van Dijk's study. He assesses the implications, use and benefits of Open Government Data initiatives in Dutch municipalities. Thereby, he sheds light on the reasons why the potential benefits of such initiatives have not fully crystallized yet. Consequently, he draws conclusions on how they might be improved in the future.

In case public institutions or private organizations are not sufficiently transparent themselves, the wider public often has to rely on insider information in order to observe organizations' activities and behaviour. This is all the more important with respect to organizational misconduct. Consequently, it is often the people themselves who have to ensure that organizations' actions become or remain transparent. Here, whistleblowers and the processes they trigger are important. Within the whistleblowing process, it is the complaint recipient who moreover plays a crucial role. However, this actor so far is only little transparent himself within the academic debate. Therefore, the volume's last contribution by Selina Rathke develops and presents a comparative analytical framework for analysing whistleblowing complaint recipients and moreover applies this framework to two German whistleblowing cases.