Open Letter to Members of the European Parliament and Representatives of EU Member States

Use the DSA to Stop Platforms from Suppressing Public Interest Research

2 September 2021

Dear State Secretary Höberg,

Large platforms continue to suppress public interest research by scientists, civil society watchdogs, and journalists. The heavy-handed actions by Facebook against New York University’s Ad Observatory is the latest high-profile example – but it also happens in the EU, as the case of AlgorithmWatch’s data donation project shows. It is time for legislators to step up. The DSA is the perfect opportunity to do just that.

We write to you in the middle of the ongoing legislative procedure on the Digital Services Act (DSA), proposed by the European Commission in December 2020. As citizens and researchers, and civil society and scientific organizations, we want to draw your attention to the recent alarming examples of platforms oppressing public interest research about how they influence public debate. We ask you to use the opportunity the DSA offers and stand up to this behaviour.

Facebook – as one of the largest platforms – has repeatedly restricted researchers’ access to data, hindering public interest research not only in the United States but also in Europe: The watchdog organization AlgorithmWatch has recently been forced to shut down its Instagram monitoring project after threats from Facebook to escalate to “more formal engagement”.

Civil society organizations typically cannot risk going to court against a company valued at one trillion dollars, and Facebook’s reaction shows that any organization that attempts to shed light on one of its algorithms is under constant threat of being sued. Facebook clearly misuses its power to quash public interest research and therefore prevents an evidence-based debate about the impact platforms have on democratic processes and fundamental rights.

21 https://techcrunch.com/2021/08/04/facebook-ad-observatory-nyu-researchers
In your position as representatives of the European citizenry, we ask you to ensure that Terms of Service cannot be weaponized against individuals or organizations that attempt to hold large platforms to account. Financial power must not be the currency that governs our public sphere.

Holding platforms accountable requires having insight into relevant information on how they curate content and thereby influence public discourse. One of the key barriers to scrutinizing platforms precisely lies in researchers’ lack of access to relevant data. The DSA would overcome this barrier by requiring transparency on advertisement targeting criteria (Article 30), and by giving researchers access to platform data (Article 31). However, Article 31 should not limit such access to “vetted researchers” with academic affiliations but also explicitly mention other sources of public interest research: civil society organizations and journalists. We strongly urge you to uphold the provisions in the current negotiations of the act and make sure these researchers can continue to fulfil their key watchdog function.

As AlgorithmWatch’s story illustrates, we cannot simply rely on what platforms tell us they do. While the DSA foresees auditing mechanisms by both independent third-party auditors and regulators, it places strong emphasis on companies’ own risk-assessments and non-binding codes of conduct. We ask you to make sure that DSA auditing procedures are more than a box-ticking exercise.

Large platforms play a crucial role in society, influencing vital interactions from identity-building to voting choices. How they do this is largely unknown. Individuals must be empowered to be more autonomous in their use of social media platforms. Only by working towards more transparency can we ensure, as a society, that there is an evidence-based debate on their impact – which is a necessary step towards holding them accountable. Only if we understand how our public sphere is influenced by platforms’ algorithmic choices can we take measures towards ensuring they do not undermine individuals’ autonomy, freedom, and the collective good. We invite you to help us turning the DSA into an effective tool to do just that.

We thank you for your effort in keeping our public sphere healthy and resilient.

In the name of the 35 organizations and 6.126 individuals who signed this letter,
yours sincerely,

Matthias Spielkamp
Co-Founder and Executive Director, AlgorithmWatch
Signatories:

Organizations

Access Now
AI Now Institute
AlgorithmWatch
AlgorithmWatch Switzerland
Dataskydd.net
Defend Democracy
Democracy Reporting International
German Communication Association (DGpuK)
Digitalcourage e.V.
Digitale Gesellschaft e.V.
Digitale Gesellschaft Schweiz
Državljanska digitalna akademija (Vanja D / Citizen D)
epicenter.works
European Center for Not-for-Profit Law (ECNL)
European Digital Rights (EDRI)
European Policy Centre (EPC)
Gesellschaft für Informatik e.V. (GI)
Global Witness
Gong
HateAid
Heinrich-Böll-Stiftung e.V.
Homo Digitalis
IT-Pol
Media Monitoring Africa
Mozilla Foundation
Open Future Foundation
Open Society European Policy Institute (OSEPI)
Panoptikon Foundation
Peace Institute, Ljubljana, Slovenia
Privacy Network
Reporters Without Borders (RSF)
Swiss Association of Communication and Media Research (SACM)
stiftung neue verantwortung
Vrijschrift.org
Wikimedia Deutschland e.V.
Individuals

The letter has been signed by 6,126 individuals, of which 3,888 are listed below. 2,238 individuals chose to sign the letter anonymously.

Initial signatories

Jef Ausloos, Postdoctoral researcher, University of Amsterdam
Marco T. Bastos, Ad Astra Fellow, University College Dublin, School of Information and Communication Studies
Bettina Berendt, Professor, TU Berlin, Weizenbaum Institute, KU Leuven
Alan Borning, Professor Emeritus, Computer Science & Engineering, University of Washington
Axel Bruns, Professor, Queensland University of Technology
Joanna Bryson, Professor of Ethics and Technology, Hertie School
Jean Burgess, Professor, Queensland University of Technology
Claes de Vreese, Distinguished University Professor of AI & Society, University of Amsterdam
Lilian Edwards, Professor of Law, Innovation & Society, Newcastle University
Philip N. Howard, Professor, Director, Programme on Democracy and Technology, Oxford University
Natali Helberger, Professor, Institute for Information Law (IViR), University of Amsterdam
Mireille Hildebrandt, Professor, Co-Director Research Group on Law, Science, Technology & Society, Vrije Universiteit Brussel
Slava Jankin, Professor of Data Science and Public Policy, Director Data Science Lab, Hertie School
Ulrike Klinger, Professor, Chair for Digital Democracy, European New School of Digital Studies, European University Viadrina
Paddy Leerssen, PhD Candidate, Institute for Information Law (IViR), University of Amsterdam
Jan-Hendrik Passoth, Professor, European New School of Digital Studies, European University Viadrina Frankfurt/Oder
Marietje Schaake, International Policy Director, Cyber Policy Center, Stanford University
Rebekah Tromble, Director of the Institute for Data, Democracy, and Politics, Associate Professor, School of Media and Public Affairs, George Washington University
Aimee van Wynsberghe, Professor, Professor, Director Institute of Science and Ethics, University of Bonn
Jutta Weber, Professor, Department of Media Studies, Paderborn University
Marlena Wisniak, Senior Legal Consultant, European Center for Not-for-Profit Law (ECNL)
Signed via the call for signatures

Prof. Thomas Gegenhuber
Torger Irle
Henry Steinhaus
Daniela von Treuenfels
Johannes Filter
Patrick Stary
Johannes Breuer
Erwan Le Merrer
Wolfgang Pfeifer
Bertram Holtz
Susanne Schwenk
Horst Kolb
Lorenzo Ferrari
Damian Paderta
Ilja Kobrin
Toon Lovette
Gabriel Grill
Jeanette Hofmann
Gaëtan Goldberg
Monika Heim
Tim Göbel
Indra Spiecer
Anna Boos
Dominique desdy
Jana Ahrens
Henk de Pundert
Vicenç Sallés
Ralf Grötker
Yann Patrick Martins
Daniel Hugi
Klaus Beck
Klaus-Peter Jansen
Mark Romvanyi
Niclas Johann
Ulrike Klinger
Thomas Dürmüller
Stefanie Auf dem Berge
Lennard Jäkel
Thomas Andersen
Thomas Förner
Jonas Radunz
William Bird
Jan Persiel
Claudia Müller-Birn
Tomás Klink
Joerg Mitzlaff
Kantar Treutmann
(Landesbeauftragter für Datenschutz M-V a.D.)
Joerg Hassler
Johannes Gruber
Dr. Christian Ruiz
Michael Gamber
Lucien Schönberg
Heymans Frederic
Lucas Tribelhorn
Clemens Schnell
Irnhild Rogalla
Paquita Peiniger
Pierre François DOCQUIR
Agustin Reyna
Nicolas Kayser-Bril
Hersog Judith
Dr. jur. Florian Schröder
María Tschopp
Kars Alfrink
Pritesh Tailor
Lukas Hoffmann
Emilie Van den Broeck
Kerstin Tober
Bruno Otto
Dr. Klaus Dorn
Juergen Volker
Tom Lebrun
Karl-Ludwig von Wendt
Ester Amaral de Paula Manga
Chris Rees
Matthias Leimeister
Gerald Mäsch
Christina Völker
Jörn Eichhorn
Detlef Witt
Luis Antonio Santos
Alexandru Moise
Wolfgang Schneider-Rathert
Roland Schulze
PD Dr. Jessica Heesen
Markus Zugehör
Flurin Hess
Kröck Yusuf M.
Philipp Lorenz-Spreen
Martin Ebers
Stephan Lewandowsky
Mark Dempsey
Paolo Benanti
Ulrich Stolpe
Franz Kramer
Pablo Fernandez
Gregor Düster
Ferdinando Traversa
Ben Wagner
Kartheinz Pape
Kalina Boncheva
Domenico Talia
Ernesto de León
Karsten Velbinger
Tama Badikyan
Gerald Rowden
Anna-Lena von Hodenberg
(CEO HateAid)
Maximillian Kuhnert
Tarcizio Silva
Ricardo Souza de Carvalho
Deen Freelon
Yadira Sanchez Benitez
Flávia Rocha de Oliveira
Marc Axel Becker
Nadine zellmer
Christian Polzin
Dennis Scheike
Patrick Weisser
Ange santino
Dr. Susanne Richter
Maximilian Kuhnert
Tarcizio Silva
Ricardo Souza de Carvalho
Deen Freelon
Yadira Sanchez Benitez
Flávia Rocha de Oliveira
Marc Axel Becker
Nadine zellmer
Christian Polzin
Dennis Scheike
Patrick Weisser
Ange Santino
Dr. Susanne Richter
Maximilian Kuhnert
Tarcizio Silva
Ricardo Souza de Carvalho
Deen Freelon
Yadira Sanchez Benitez
Flávia Rocha de Oliveira
Marc Axel Becker
Nadine zellmer
Christian Polzin
Dennis Scheike
Patrick Weisser
Ange Santino
Dr. Susanne Richter