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 Minister,

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[^1] 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 6,126 citizens and researchers, and 35 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”.[^2] 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.

[^1]: 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
Državljani 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
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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
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Marlena Wisniak, Senior Legal Consultant, European Center for Not-for-Profit Law (ECNL)
Tim Rieger
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Mike Marschall
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Marcel Boboc
Linda Hering
Elisabetta Biasin
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Tracy Birrell
Anthony Kelly
Johanna Werschnig
Klaus-Otto Kruse
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Johan Deflender
Thomas Piskol
Sally Burley
Christian Pieler
Samuel Hagmann
Lukas Burges
Michael Diller-Hnelozub
Sophie Keller
Rohan Kundu
Matt Dwire
Robert Hartmann
Caterina Burani
Vera De Carolis
Hugo Noordermeer
David Curtis
Anastasia Karagianni
Klemen Sobak
Katrin Glückle
Alan Robert Amos
Hak Brant
Vera Ong
Hanks Ong
Daniel Logos
Gerhard Bleckmann
Mathias Haunschmidt
Peter Stig Hansen
Conny Nasch
Tabitha Elkins (Erlangen)
Anna Maria Bleckmann
Rouven Weil
Jürgen Max Norbert Reinhold
Anja guse
Mathias Eichelbrönner
Matthias Bacher
Tobias Kluter
Casper de Lange
Ute Barbara Thiermann
Sascha Conrad
Christine Neukum
Josep Didac Moreno Sanchez
Michael Nordmark
Oliver Cervera
Letzing Klaus
Galyna Druz
Stephan Hen
Jennifer O Dea
Denisa Sieklikova
Baltasar Cevc
Martin Burke
Marek Tvrdy
Daniel Lehmann
Tino Feist
Simone Pantel
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Lynn Shead
Mark Florence
Gabor Kassai
Klaus Wiegand
Nathan Querido
Carsten Lemmermann
Wolfgang Eisert
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Geert Bernaerts
Almut Koester
Amelie Berner
Frank Sutcliffe
Mark Camino
Dr. Karl Reichstetter
Dieter Weinhold
Daniel Binding
Ulrike. Hauck
Josef Bodes
Markus Kaltenegger
Fischer Dennis
Saba Fekadu
Petr Rušnjak
Iolanda Jaquemet
Katharina Christ
Aleks Tarkowski
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Klaus Contag
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Siegfried Schwäger
Tsuneko Kakiuchi