

/ Open letter to European Lawmakers

Use the DSA to Stop Platforms from Suppressing Public Interest Research

August 2021

Dear Members of the European Parliament,
Dear Representatives of Member States,

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 Observatory¹ 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 concerned citizens, researchers, and civil society organizations, we want to draw your attention to the recent **alarming examples of how platforms oppress public interest research on the way 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.

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

¹ <https://techcrunch.com/2021/08/04/facebook-ad-observatory-nyu-researchers>

² <https://algorithmwatch.org/en/instagram-research-shut-down-by-facebook> (available from 13 August 2021)

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.

Signatories:

Organizations

Access Now

AI Now Institute

AlgorithmWatch

Democracy Reporting International

European Center for Not-for-Profit Law (ECNL)

Open Society European Policy Institute (OSEPI)

Panoptikon Foundation

Reporters Without Borders (RSF)

stiftung neue verantwortung

Individuals

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

Lilian Edwards, Professor of Law, Innovation & Society, Newcastle 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

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

Marlena Wisniak, Senior Legal Consultant, European Center for Not-for-Profit Law (ECNL)

(list of signatories last updated 12 August 2021)