

Annual Report 2020

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## This was 2020

was a year of challenges and opportunities for civil society organizations concerned about the role of algorithmic decision-making processes and their impacts on society. Facing the COVID-19 pandemic, we saw governments and corporations around the world step up deployments of automated decision-making systems (ADMS). Civil society was called upon to get engaged, to monitor the use of ADM systems, to critically examine them and to develop recommendations for their regulation. But let's start from the beginning.

Our year began with big expectations. As we shared in our 2019 annual report, we were successful in getting a total of 14 grant applications approved. This year was all about getting those new projects on track, despite unprecedented pandemic-related obstacles. We achieved this thanks to a great team, which has more than doubled in the course of the year. We started our third year with eight employees and were 20 in December. To accommodate the immense growth, AlgorithmWatch moved to a new office in February.

AlgorithmWatch, like most other companies, institutions, and organizations, has had to accept home office work as the new normal in 2020. Since many of our tools and organizational processes were already geared towards a decentralized, virtual way of working, the switch to a 100 percent home office culture could be implemented relatively quickly. However, given the personal life situations of the team members, some of whom have families with young children, this was admittedly a major challenge on both individual and organizational levels. And yet, we can state

that despite individual challenges and repeated disruptions due to the pandemic, AlgorithmWatch has achieved great things this year.

In 2020, we successfully presented the results of many years of impactful work, including the Governing Platforms project and the second edition of the Automating Society Report. We launched the new reporting platform UNDING, and we started building DataSkop—our biggest project to date—in which we are also responsible for coordinating the network of projects within the framework of the Digital Autonomy Hub.

A milestone was the start of AlgorithmWatch Switzerland. With its launch, we intensified our activities in Switzerland, where we had already been very active before. The organization is incorporated as a legal entity independent from AlgorithmWatch Berlin, but the two teams work in an integrated fashion to maximize impact.

Another crucial part of our work in 2020 was our reporting. We published more than 40 stories and op-eds, alerting the broader public to the impact of automated decision-making systems on individuals and society. Prominent international media regularly picked up the results of our research and referred to our stories in their reports.

We hope you'll enjoy reading the report, and if you'd like to follow our activities, you can be kept up to date via our newsletters, Twitter, LinkedIn, Instagram or Facebook.

With kind regards Matthias Spielkamp and the AlgorithmWatch team

## Highlights 2020

#### Spring

In March, we published the results of our 2-year-research project

Automated Human Resources Management and Labor Rights, funded by the Hans
Böckler Foundation. The web dossier was built around our position paper summarizing
the demands we developed from our ethical analysis, analyses of labor law and data
protection law, and a guideline for reviewing essential features of Al-based systems for
works councils and other staff representatives.

#### Summer

■ In June, we published the initial results of our **exclusive investigation into the Instagram newsfeed algorithm**, which revealed that the platform "strong-arms users into showing skin". The analysis was based on data donated using a browser add-on developed by us, in partnership with the European Data Journalism Network.

#### Fall

■ In October, we launched the **Automating Society Report 2020**, the result of the most comprehensive research conducted in Europe so far on the impact of ADM systems. The 300-page report covers the current use of ADM systems in 16 European countries and at the EU level, and the policy debates that surround it.

In the same week that we launched the report, we presented and discussed the **final recommendations of our Governing Platforms Project** in an event with Executive Vice President of the European Commission Margrethe Vestager.

#### Winter

■ In November, we **launched AlgorithmWatch Switzerland**, supported by the Migros Pioneer Fund. Operations had already started in September, when Managing Director Dr. Anna Mätzener joined the organization. https://algorithmwatch.ch/en/.

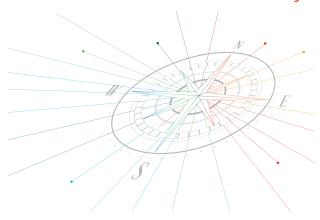
## Our work

The strength of AlgorithmWatch lies in our evidence-based advocacy approach: We are not a think tank, nor a research institute, but a civil society pressure group; we develop concrete and actionable recommendations for legislators, administrators, and companies based on insights from our own scientific research and journalistic investigations. This methodological mix has paid off, as you can read in the following paragraphs in more detail.

In 2020, we took a specific look at automated decision-making in certain sectors, ranging from the COVID-19 pandemic, human resources and sustainability to social media platforms and public discourse. In line with the idea of *using* algorithms to *check* algorithms, we offer platforms such as Unding.de, which enables those affected to share their experiences and report problematic ADM systems, or to donate their data which allows us to analyze these systems. This pooling of individual experiences, which otherwise remain invisible, is again crucial for our policy and journalistic work: With the help of exposition papers and campaigns in coalitions with a wide range of partners, and journalistic storytelling, we are able to lend weight to these findings and our recommendations for action.

## **Projects**

### Al Ethics Guidelines Global Inventory



#### problem statement

In recent years, a large number of actors have begun to develop normative guidelines for the use of so-called Artificial Intelligence. These include international organizations, NGOs, representatives of civil society, professional associations, businesses of all sizes and trade unions, as well as various governments and intergovernmental organizations such as the United Nations and the European Union. The number and diversity of actors and their different goals make it all the more necessary to clearly define the different guideline "genres"—ranging from binding agreements to recommendations—and their respective compliance mechanisms.

"Artificial Intelligence", robotics, or machine ethics is a research area between computer science and philosophy. Researchers are concerned with the development of machines, robots or "autonomous" systems as "explicit moral actors", assuming that these actors are able to independently make plausible moral judgements and give reasons for their moral choices.

#### objective

The discussion around ADM systems and their impact on society frequently focuses on whether Artificial Intelligence should be regulated, and if so, how and by whom. Voluntary self-regulation is often mentioned as a solution. Proponents point to existing standards and commitments—but nobody knows what these standards are, much less whether they are adhered to. Therefore, we called for submissions of guidelines on "ethical Al". Our goal was to document the developments in the field of "Ethics of Al": who is developing what, and what commitment do these initiatives require?

#### what happened in 2020

After its launch in April 2019 and successful uptake throughout the previous year, we upgraded the AI Ethic Guidelines Global Inventory in 2020 by revising its categories and adding a search and filter function. Thanks to a large number of submissions, we have continually updated our database and published the results online. As an analysis in April revealed, only a fraction of the more than 160 guidelines we compiled have the necessary enforcement mechanisms in place, and the overwhelming majority of these come from Europe and the US.

#### summary of outcomes 2020

Most documents compiled in the inventory are recommendations, presentation of principles, or guidelines. Of the 21 examples that can be labelled as voluntary commitments, quality seal, or similar, only three mention some sort of oversight mechanism or quality control. This does not mean that the other guidelines have no oversight mechanisms, but they are not explained in publicly accessible material. Without oversight, there is little incentive to adhere to ethical principles in the development of ADM systems.

As voluntary self-regulation is a popular means to avoid regulation, it is unsurprising that a large proportion of entries in the inventory are industry-led. Companies such as SAP, Sage, Facebook, Google and many others have either developed internal principles or published general guidelines, partially as members of alliances (for example the Partnership on AI) or led by industry associations. The most important insight from our project remains the lack of oversight and control in the development of AI systems. Many initiatives are new; thus, it is possible that they will develop further.

In the end, however, it doesn't matter how useful proposals for ethical guidelines are, because without enforcement they will be ineffective.

#### what's next?

During the coming year, we plan to continually update our database and publish the results online. As the overwhelming majority of AI ethics guidelines in our directory come from Europe and the US, we hope to diversify the geographic origin of our database to make it more inclusive of regional variations in the debates on ethics and AI.

We also plan to review the approach and to discuss how to continue our work with the Inventory, and we hope to publish new results before the end of the year.

#### Explore the inventory

### Automated Human Resources Management and Labor Rights



#### problem statement

Increasingly, complex computational systems are being used to monitor, score, manage, promote and even fire employees. These systems are often referred to as people analytics. They have the potential to profoundly influence, alter, and redirect the lives of people at work, and therefore impact their life opportunities in general. In order for people to benefit rather than not suffer from the use of these systems, there needs to be a comprehensive governance framework—but employees themselves also need to better understand and assess these workings behind the systems.

#### objective

In this two-year-project funded by the Hans-Böckler-Stiftung, AlgorithmWatch explored the use of ADM and decision-support systems in human resources (HR) management and its implications

on labor rights. What types of ADM systems are on offer, what information is provided to employers and employees about their functionalities, to what extent are staff members informed that their data is collected to measure their performance, and what rights do or should staff have to influence or object to the use of the system in question? We aimed to find initial answers to these questions and to foster public debate.

#### what happened in 2020

At the end of February, we published a web dossier with the initial results and findings of the project (EN and DE, but more resources in DE) titled "Webdossier: Automatisiertes Personalmanagement und Mitbestimmung which includes background information and recommendations and the following:

#### Explanatory videos

With our explanatory videos, we offer an easy introduction to important basic concepts and explain risks associated with automated decision-making in the context of human resources.

#### HR Puzzle

With this simulation of Machine Learning and so-called "Artificial Intelligence" in human resources management, we'd like to illustrate two aspects: Firstly, how Machine Learning and neural networks work; secondly, how many human resources software solutions work today.

#### Guideline

The guideline "Reviewing essential features of Al-based systems for works councils and other staff representatives" was written by Prof. Dr. Sebastian Stiller, Jule Jäger and Sebastian Gießler. It serves as a practical assessment tool that consists of a series of questions about automated HR systems. Works councils or other employee representatives can use it to ask management about the properties of ADM systems used in HR. Ideally, these questions should be asked before implementing new systems, but can also be asked about systems already in place. The guide explains how to classify answers and

what they should include, and how to make sense of these answers.

#### Study

"People Analytics must benefit the people. An ethical analysis of data-driven algorithmic systems in human resources management" (DE / EN) In his analysis, Michele Loi of the Institute for Biomedical Ethics and History of Medicine at the University of Zurich develops recommendations on how systems for automated HR management can be used in an ethically responsible manner.

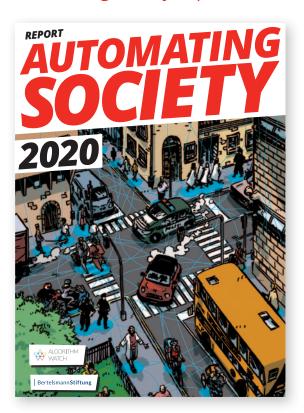
#### Read the web dossier here

Additionally, we published an <u>analysis</u> looking into the provisions of German labor law for employees and their representatives in terms of tools they can use to demand information about IT systems from companies. This provision can be equally applied to ADM (available in German only). How well these rights can be enforced in practice needs to be tested.

#### what's next?

The content of the web dossier will be expanded in the coming year in order to become a comprehensive resource for employee representatives, human resource managers, and other stakeholders. In addition, we will conduct further analysis (see also "Policy work") and provide translations of the existing documents.

#### **Automating Society Report 2020**



#### problem statement

The deployment of ADM and Al-based systems in Europe has vastly increased over the last two years, affecting access to rights and services, and thus to life opportunities for millions of citizens. And yet, most such systems are being adopted without meaningful democratic debate, and either lack transparency as to their actual goals, workings and efficacy, or, when such evidence is available, demonstrably fail to benefit individuals and society.

#### objective

The project 'Automating Society' aims to compose a previously unreleased mapping and analysis of ADM applications in the public policy sphere in Europe.

The creation of an Automating Society Report has multiple objectives. First of all, we aim to generate attention and public debate in as many EU countries as possible by reporting on automated decision-making systems in use around the EU. Next, we expand the evidence base on ADM in Europe. This includes also covering positive examples and raising attention to potentially unused or underused opportunities for ADM systems. We thereby try to shape policy in two ways: By raising policy makers' awareness of the implications of using ADM with a focus on the public sector, and by developing advocacy and policy positions with regard to the governance of automated decision-making in the EU. Last but not least, we aim to widen and deepen the network of researchers we convened for the first edition of the report.

#### what happened in 2020

In September, we published a special issue of the Automating Society Report, titled 'Automated Decision-Making Systems in the COVID-19 Pandemic: A European Perspective'. This "preview report" is dedicated to an initial mapping and exploration of ADM systems deployed throughout Europe as a consequence of the COVID-19 outbreak. Especially given the uncertainties around the resurgence of the virus that was present at the time of writing, we felt it was necessary and urgent to provide a first snapshot of the sociotechnical systems deployed as a reaction to the virus in the 16 European countries investigated in the 'Automating Society' project. The report was released as a PDF and a website.



- Launch of Automating Society 2020 report, together with Bertelsmann Stiftung
- publication of the first country issue (Italy) in November
- Special issue ADM Systems in the COVID-19 Pandemic: A European Perspective in September

https://algorithmwatch.org/en/automating-society-2020-covid19/

#### what's next?

We look forward to the publication of country issues of the Automating Society Report 2020 for Germany, France, Spain, and Switzerland, which will be launched in online events in the respective national languages at the beginning of 2021. We will further translate the findings of the report into policy recommendations (see 'Policy work').



#### DataSkop



#### problem statement

ADM systems have established a permanent presence in our daily lives, whether through recommendation algorithms on online shopping platforms, newsfeeds on social media or self-diagnoses in medical apps. However, their inner workings are mostly invisible to users, and are often even actively hidden by providers. In order for users to understand the risks of such web applications, navigate them safely and guard their right to privacy, they must be provided with enough information about how ADM systems work and how their data is being used by these systems.

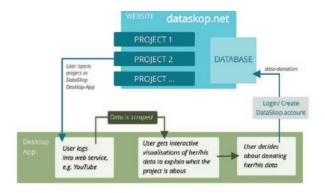
#### objective

The aim of DataSkop is to empower individuals to handle their data in an informed way, to act safely in digital environments, and to understand algorithmic systems in use.

Data donations have become a valid method to investigate the way algorithmic systems work—even without having direct access to them. Users can donate their data individually, for example when using social media platforms, credit scoring services or when shopping online. In this way, it is possible to shed light on the black-box algorithms of these systems and to understand how they render recommendations, evaluations and decisions. The project DataSkop will provide an infrastructure for this purpose.

Newsrooms, research institutions and NGOs can use DataSkop to analyze algorithmic decision-making systems on the basis of data donations. To minimize the technical hurdles for such investigations, we are establishing DataSkop as a platform that offers a large part of the required functionality from the ground up. Institutions and organizations can use DataSkop to carry out their own data donation projects and to encourage

data donors to participate. The donated data itself is collected in compliance with data protection regulations and can then be accessed by the initiators of the particular project.



#### what happened in 2020



DataSkop Kickoff, September 2020

The project kicked off in September of 2020 with several workshops for all participating partners, and work started on the first prototype of the data donation platform. During a network event with other projects in the *Digital Autonomy Hub* Network, the team from DataSkop hosted a workshop on data visualization, which is an important tool to help users understand how algorithmic systems process their data.

#### what's next?

In the Summer of 2021, we will launch the first data donation project on the platform. And we are already looking for further research projects to use DataSkop.



#### Digital Autonomy Hub



#### problem statement

Digital autonomy—the ability to navigate the web safely, protect one's privacy and use digital tools in a self-determined way—depends a great deal on users' skills and understanding of how the technology works, as well as how their data is processed. Many users of digital technology currently lack both. Digital systems are often neither designed nor regulated in ways that have the users' autonomy or privacy in mind. It is therefore necessary to empower users to understand and also question how these complex systems work, what users' rights are and how these rights can be enforced. Policymakers, on the other hand, need to be encouraged and informed on how to best protect users' autonomy and right to privacy.

#### objective

The *Digital Autonomy Hub* is a competence center that coordinates an interdisciplinary network of 43 institutes and organizations. The hub will present the partners' research and ideas they develop to strengthen digital autonomy. Our project <a href="DataSkop">DataSkop</a> is part of the network. The network' aim is to transfer the knowledge produced to end-users, in order to better enable them to use technology in a more reflective and self-determined way. The competence center prepares current research results for civil society, politics, science and business and advises the various stakeholders on ethical, legal and social aspects of data use.

#### what happened in 2020

The Digital Autonomy Hub started in the Summer of 2020, with the launch of our website

<u>digitalautonomy.net</u> and first networking events for all participating research teams.

The Digital Autonomy Policy Briefs will be a series of publications with the aim of providing insights into current debates about digital autonomy. They also map knowledge and findings from our network and analyze current regulatory approaches. The intended audiences are experts in the field, political decision-makers, civil society and academia.

The first Policy Brief was published on the topic of Data Trusts. It discusses how protecting the right to privacy remains possible, while at the same time using the knowledge that data provides to benefit us all. Data Trusts are such an option, as they provide a fiduciary relationship in which one party grants a data trustee the right to hold data or data rights in its name and to make decisions about them.



#### what's next

There are more Policy Briefs to come in 2021, to be published every quarter until the end of the project in 2023.

In the spring of 2021, we will launch the *Digital Autonomy News*, a newsletter with updates from the research projects in the Digital Autonomy Hub network, events and current publications.

#### Data trusts

#### problem statement

When it comes to our personal data, the positions seem irreconcilable: on the one hand, there are the heralds of salvation in the wonderful world of "Big Data", where data-driven processes using so-called artificial intelligence are helping to end the corona pandemics, overcome (social) injustice and stop climate change. On the other hand, the apocalypticists who foresee the end of democracy should not succeed in putting surveillance capitalism in its place. Between these fronts, there is little room for differentiated proposals on how to protect the right to privacy, while at the same time using the knowledge that data provides to benefit us all. The idea of data trusts, also called data trustee models, is one such proposal.

In recent years, interest in the idea of data trusts has increased considerably. The German "Datenethikkommission" (Data Ethics Commission) and the "Kommission Wettbewerbsrecht 4.0" (Commission on Competition Law 4.0) (p. 44) recommend "investigating the feasibility of setting up data trusts and in this respect examining various models". In its key points of a data strategy, the German government has announced that it will "analyze" what "prerequisites need to be created and what contribution trustworthy data spaces and structures of data trustees can make to strengthening voluntary data sharing". On the basis of these findings, it should be decided which instruments can be used to promote the emergence of such trustees, if possible, at the European level.

All this remains very vague. No data trusts have yet been established in practice in Germany, only case studies have been discussed.

#### objective

The objective of this short-term project was to understand whether and how this instrument could be applied under German law.

#### what happened in 2020

First, we have worked out concrete questions for a legal opinion together with Research Fellow Anouk Ruhaak and with the support of the ZEIT Foundation. In the resulting expert opinion paper data protection expert Michael Funke examines the compatibility of data trusts with the General Data Protection Regulation, as a first, important step towards understanding what is currently achievable—and which laws would have to be changed if we want to implement more comprehensive data trust models. Specifically, he analyzes whether so-called data trusts can act as intermediaries for personal data, acquiring individual data donors' rights to their personal data, in order to manage it on behalf of such donors enabling data trusts to both pass personal data on to third parties and represent the data donors' rights vis-à-vis these third parties. Arriving at the conclusion that the EU's General Data Protection Regulation (GDPR) does not allow this transfer of rights in its current form, he presents some concrete proposals for how the GDPR could be amended to afford this.

Timely after the publication of the European Commission's proposal for a <u>Data Governance Act</u>, the final project report was published, where we discuss the following points:

- The shortcomings of our current approach to data governance that mainly focuses on individual data rights.
- How the reduction of the collective harms of data sharing and the simultaneous activation of collective benefits of our data require approaches to data governance that rely on greater democratic control over our data.

The specific role of data trusts as independent intermediaries with a fiduciary duty to act on behalf of data subjects.

Leading to the following key recommendations:

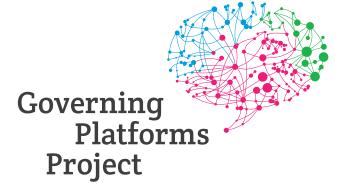
We recommend greater clarity on the various legal uncertainties that currently undermine the creation of data trusts and similar data intermediaries.

- We argue for the creation of a new legal role: an intermediary that can represent the data rights of data subjects that would have to adhere to a strict set of safeguards and duties.
- We recommend a series of trials within the safe confines of a regulatory sandbox.
- You can find both publications here: https://algorithmwatch.org/en/data-trusts/

#### what's next

Based on the findings, we will analyze whether we can establish a data trust within our <u>DataSkop</u> project.

### **Governing Platforms**



#### problem statement

Digitalization and the shift toward web-based media platforms has dramatically altered the media landscape in the EU and around the world. In many respects, this shift should be viewed as a

positive development. The amount of journalistic reporting and other information available online to users anywhere in the world, discoverable with the help of search engines, gives people unprecedented access to information. Social media sites offer users platforms to publish and discuss issues relevant to their communities. However, the digitalization of the public sphere has also created immense challenges for public discourse and media pluralism, and the growing reliance on algorithmic gatekeepers has dramatically altered how debates are constituted, structured, and governed.

A plethora of attempts to regulate intermediaries are underway—at both the EU and member states level. The aim of these regulatory approaches is to mandate Facebook, Google, Twitter, YouTube and other intermediaries to patrol content by blocking "unwanted" posts or by ensuring plurality and non-discrimination of sources. The reason: the influence of intermediaries on public discourse is perceived as overly powerful and damaging. However, it is doubtful whether current strategies will succeed in strengthening public discourse and in protecting fundamental rights.

#### objective

In cooperation with our project partners, the European Policy Centre and the Mainzer Medieninstitut, we convened civil society organizations and other stakeholders from all over Europe in a participatory design process. Our goal was to develop innovative governance and policy proposals and other tools that we will then feed into the EU and member states' policy-making processes.

The short-term objective was to identify the negative effects intermediaries have on public discourse, develop a joint understanding of these effects among participating organizations and the wider civil society, and come up with ideas and policy proposals to mitigate these effects.

#### Medium-term objective:

To implement these ideas and policy recommendations by presenting, discussing, and actively advocating for them both on the European and on the member state level.

#### Long-term objective:

To inform a public discourse that enables and supports the deliberative processes necessary for a democracy to function properly.

#### what happened in 2020

Over the course of the 18-month project, we convened selected stakeholders from civil society, the private sector, academia, and policy-making, to collaboratively develop regulatory proposals that address the influence of intermediaries on public discourse. While experts, in principle, agree that platform regulation is both necessary and imminent, designing evidence-based regulations which safeguard fundamental rights while promoting transparency and public interest concerns, is a real challenge. The Governing Platforms Project served as a hub for the research, discussion, design, and advocacy of informed policy recommendations that do just this.

In May 2020, we published two studies in partnership with the European Policy Centre and the Mainz Media Institute.



#### In their study, 'Are Algorithms a Threat to

Democracy?', communication studies scholar Birgit Stark and her colleagues highlight some of the real, negative effects of online hate speech, especially for women, who are disproportionately impacted by online incivility. The study shows that while it is clear that intermediaries contribute to a growing climate of incivility online, the effects of challenges like disinformation are less clear because research in this area is hindered by a lack of access to platform data.



Matthias Cornils' study 'Designing platform governance: A normative perspective on needs, strategies, and tools to regulate intermediaries' was motivated by issues highlighted during the COVID-19 pandemic. With regard to communication around the disease, civil society watchdogs have voiced concern about the spread and amplification of COVID-19-related dis/misinformation, and some scholars have even gone so far as to warn of a social media-driven "infodemic." At the same time, draconian emergency measures aimed at limiting the spread of COVID-19-related "rumors" and "fake news" reveal the dangers of state-imposed restrictions on potentially harmful but legal online content. Wary of such dangers, and the highly sensitive nature of communications regulation, Matthias Cornils, who is a professor of media and public law at Mainz University, argues that public pressure from civil society and non-government actors is "a very important element of platform governance". But in order to apply such pressure, civil society actors, journalists, and users must be empowered, meaning that they are granted access to platform data.

In June, we published a report on <u>Operationalizing Research Access in Platform Governance</u>. In it, University of Amsterdam's Jef Ausloos, Paddy Leerssen and Pim ten Thije identify best practices for research access regimes in the platform governance context by learning from existing legal frameworks in other domains.

Based on the findings of the three analyses, the Governing Platforms core group developed a statement calling on European lawmakers to introduce binding transparency rules for online platforms. A coalition of 46 civil society organizations and world-renowned academics joined AlgorithmWatch and the European Policy Centre in October 2020 in supporting the statement, published as the final recommendations of our Governing Platforms project. The signatories urged the European Commission to put "meaningful transparency at the heart of the Digital Services Act".

In <u>our October 2020 policy dialogue</u>, we presented the final recommendations and our statement to European policymakers, including European Commission Executive Vice-President Margrethe Vestager. Delivering the keynote at the event, Executive Vice-President Vestager stressed that the ultimate goal of the DSA/DMA package was to translate Europe's "analogue" values system into the online realm, and ensure that decisions that affect the future of our democracy aren't confined to the "secrecy of a few corporate boardrooms."

#### what's next

The recommendations developed in the research project will be the basis for our advocacy work on platform governance in the coming year, when the DSA negotiations pick up speed.

#### Towards a Monitoring of Instagram



#### problem statement

Over one billion people use Instagram, making it the third largest social network after Facebook and YouTube, and the numbers are still rising. One in 3 Europeans use Instagram. Among Europeans aged 14 to 18, Instagram usage is close to 100 percent.

Despite the popularity and breadth of Instagram, we know very little about how it works. No attempt has been made at building a tool that measures how Instagram chooses the items to be shown in a user's newsfeed and how it ranks them. What Instagram chooses to display or to hide shapes our perceptions and values. To understand Instagram's power, we first need to have a better idea of its inner workings.

#### objective

The project Towards a Monitoring of Instagram aimed to improve our understanding of how Instagram's feed is adjusted, which might lead to insights on how to influence or circumvent these adjustments, and how its recommendation engine works.

By this we aimed to strengthen the agency of Instagram users by explaining how the content they see is selected and if Instagram's algorithm favors some type of content over the rest.

#### what happened in 2020

The project relied on a browser plugin, which we released in March 2020. We called on participants to install the plugin, which collected anonymized data from their newsfeed.

The project started with support from the European Data Journalism Network (until June), for an investigation into professional content creators on Instagram. It was followed by another investigation on Dutch politicians, which was supported by SIDN foundation and carried out together with Pointer, NOS and De Groene Amsterdammer, three Dutch media of record. The results will be published in Spring of 2021.

Each participant, or data donor, who installed the plugin was asked to follow three accounts of public figures that we monitored. We recorded what content was posted via the monitored accounts on Instagram, as well as what volunteers saw at the top of their newsfeed. This way, we could see when a volunteer encountered a post by a monitored account—and when not.

In total, over 700 volunteers contributed more than 40,000 data donations over eight months. We released the results of the first investigation based on this data in June 2020. It was called

Undress or fail: Instagram's algorithm strong-arms users into showing skin

The investigation revealed that Instagram prioritizes photos of scantily-clad men and women, shaping the behavior of content creators and the worldview of 140 million Europeans in what remains a blind spot of EU regulations.

To understand what pictures Instagram prioritized, we asked 26 volunteers to install a browser add-on and follow a selection of professional content creators. We selected 37 professionals from 12 countries (14 of them men) who use Instagram to advertise brands or to acquire new clients for their businesses, mostly in the food, travel, fitness, fashion or beauty sectors. To give some numbers: Posts that contained pictures of women

in undergarments or bikinis were 54 percent more likely to appear in the newsfeed of our volunteers. Posts containing pictures of bare-chested men were 28 percent more likely to be shown. By contrast, posts showing pictures of food or landscapes were about 60% less likely to be shown in the newsfeed.

#### what's next

We continued to use the monitoring framework in 2021 and published two further investigations, in the Netherlands and in Germany. As relying on data donations comes with many limitations, the focus laid on the analysis of the data, but also reflected on limitations and learnings from the design of our experiment. Policywise, we confronted the platforms—and they confronted us in return.

### **Unding**



#### problem statement

Our daily lives are increasingly affected by automated decisions. And when something goes wrong, we often don't know where to turn. Imagine so much traffic being routed through your neighborhood by navigation apps that you can't safely cross the street. Or the photo booths at public offices don't recognize your face because they don't work on your skin color. Or you have been denied a loan because the system calculated a low credit score.

It's often unclear how automated decisions are made. But when those affected want to call the results into question or even dispute them, the responsible parties tend to turn a blind eye. Points of contact are hard to find and the people affected are often left to fend for themselves.

#### objective

In this project funded by Bertelsmann Stiftung and Schöpflin Foundation, we envisioned the platform UNDING (German for an outrageous absurdity). As a messenger service, it forwards concerns of individuals affected negatively by automated decisions to the responsible parties: public authorities or companies. UNDING helps to channel discontent in the right direction. The tool also supports the user with further steps down the line—it sends follow ups, notifies them on updates and helps with finding the right answers to official replies.

Beyond providing help to the UNDING's users, we hope to increase social pressure on companies, public authorities and policymakers. By collecting cases of algorithmic UNDINGs and actively following up on them, we send them a clear message: Take responsibility. Not everything that's legal is also acceptable. Create points of contact and start listening to people affected by your products and services.

#### what happened in 2020

UNDING was officially started in the fall of 2020. An initial first research phase was set up to map the field of automated decision making in Germany, and how it might affect people in all walks of life. Be it as a citizen when dealing with public administration, as a consumer when buying goods and using services, or any other scenario where a person could be disadvantaged or discriminated against by an algorithmic decision gone wrong.

To identify where UNDING could provide support, existing complaint structures were mapped. If someone was negatively affected by an automated decision we asked: was there a way to appeal or dispute said decision? If so, did it work?

The first conceptual steps for the technical part of the messenger service were also taken. That included research into existing software, how to implement an open-source approach and how a first iteration of the digital product might look.

#### what's next

UNDING's official launch as a platform is planned for 202. Research will be funneled into creating a first set of real-life examples for users to choose from. A network of partners will be set up to spread the word about UNDING and broaden its reach beyond AlgorithmWatch's core audience.

## Policy work

#### overall objective

We strive to pursue our goals of strengthening autonomy, fundamental rights, and the common good in four policy areas, namely ADM systems (ADMS) in the public sector, ADMS in the public sphere, ADMS at the workplace, as well as ADMS and sustainability.

#### what happened in 2020

The evidence-based advocacy approach serves as the foundation of our strategic policy work. In 2020 we were able to successfully apply it, especially via our final recommendations in the 'Governing Platforms' project (see above and under DSA in this paragraph).

In the following paragraphs, we summarize our activities, positions, and recommendations on the most important legislative processes in these sectors of society and—where we can already tell—how we succeeded in effectively impacting them throughout 2020.

Please find more details on project related activities and publications in the respective project paragraph.

#### Digital Services Act

public sphere

#### what happened in 2020

In December 2020, just at the end of a very busy year on this topic at AlgorithmWatch, the European Commission unveiled two of the most anticipated components of its digital agenda: The Digital Services Act (DSA) and the Digital Markets Act (DMA). The DSA proposal introduces new rules on how online marketplaces and content hosting platforms deal with illegal content, including special transparency and auditing obligations for very large platforms with more than 45 million monthly active users in the EU, a threshold surpassed by several services including Facebook, YouTube, Twitter and TikTok. While the DMA will be an important and contested piece of legislation, especially with regard to competition questions, our response focused on the DSA.

The following recommendations on the DSA proposal are the result not only of the Governing Platforms project, but of a broad coalition-building initiative.

#### position & recommendations

Just as the European Commission prepared for the publication of its much anticipated Digital Services Act, a broad coalition of civil society organizations was highlighting the urgent need to commit Internet platforms to a much higher level of transparency. As organizations committed to upholding democracy and fundamental rights, we see an urgent need to commit internet platforms to a higher level of transparency. We propose that the EU should maintain the key principles of the limited liability regime outlined in the E-Commerce Directive, and introduce binding transparency frameworks that enable privacy-respecting access to data for public scrutiny.

As AlgorithmWatch, we finally welcomed the European Commission's proposed DSA, and urged EU policymakers to use this "Modern Rulebook for



Digital Services" in Europe as an opportunity to hold platforms to account.

To make transparency meaningful, our final statement from December argues that the DSA must introduce comprehensive data access frameworks that provide watchdogs with the tools they need to hold platforms accountable.

Read our positions in detail here:

September 2020 | Our response to the European Commission's planned Digital Services Act

https://algorithmwatch.org/en/wp-content/uploads/2020/09/DSA-submission-by-AlgorithmWatch-Sep-2020.pdf

## October 2020 | Final Recommendations | Governing Platforms project

Putting Meaningful Transparency at the Heart of the Digital Services Act – Why Data Access for Research Matters & How we can Make it Happen https://algorithmwatch.org/en/wp-content/uploads/2020/10/Governing-Platforms\_DSA-Recommendations.pdf

December 2020 | Position Paper | **The DSA proposal is a good start. Now policymakers must ensure that it has teeth.** <a href="https://algorithmwatch.org/en/wp-content/">https://algorithmwatch.org/en/wp-content/</a> uploads/2020/12/AlgorithmWatch\_position\_DSA.pdf

These recommendations are based on the findings of three studies commissioned from the Mainz Media Institute and the Institute for Information Law at the University of Amsterdam. To read these reports in full: Are Algorithms a Threat to Democracy?

The Rise of Intermediaries: A Challenge for Public Discourse

Professor Dr. Birgit Stark and Daniel Stegmann, M.A. with Melanie Magin, Assoc. Prof. & Dr. Pascal Jürgens

Designing platform governance:
A normative perspective on needs, strategies, and tools to regulate intermediaries
Prof. Dr. Matthias Cornils

Operationalizing Research Access in Platform
Governance

What to Learn from Other Industries? Dr. Jef Ausloos, Paddy Leerssen, & Pim ten Thije

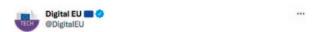
#### impact & outlook

AlgorithmWatch presented the final recommendations and our statement to European policymakers, including European Commission Executive Vice-President Margrethe Vestager, in an online event. Speaking at our October 2020 policy dialogue, Executive Vice-President Vestager stressed that the ultimate goal of the DSA/DMA package is to translate Europe's "analogue" values system into the online realm, and ensure that decisions that affect the future of our democracy aren't confined to the "secrecy of a few corporate boardrooms."

You can watch the full presentation with Vestager's speech here

https://www.youtube.com/watch?t=144&v=3HyAlm 62VsE&feature=youtu.be

Upon our initial review, we are optimistic that the DSA is a step in the right direction, but key dimensions will require more attention. As the draft makes its way through the long legislative process ahead (the European Parliament and Member States will amend it until the text becomes law), we will continue to urge decisionmakers to clarify the questions developed in our position paper, and expand and refine requirements for transparency reporting and auditing.



"We want to protect our #democracy, by making sure that #platforms are transparent about the way these algorithms work – and make those platforms more accountable for the decisions they make".

Read the full speech of @vestager at @algorithmwatch dialogue bit.ly/2TYLr2j



Twitter account Digital-EU, 6 Nov 2020, https://twitter.com/DigitalEU/ status/1324712532238630914

## Report of the Enquete Commission on Artificial Intelligence

cross sector

#### what happened in 2020

On October 28, 2020, the Enquete Commission on Artificial Intelligence set up by the German Bundestag presented its final report. On more than 800 pages, the committee, consisting of 19 members of the Bundestag and 19 external

experts, presents the results of its two-year work. The commission set out with the goal of investigating the potential and risks of AI for society as a whole and developing concrete recommendations for action for political decision-makers. AW took a closer look.

#### position & recommendations

The final report of the Enquete Commission on Artificial Intelligence is a helpful stocktaking, but unfortunately not much more. Yet there are already numerous recommendations for action and AW supports these explicitly. However, decisive questions remain open as to how these recommendations should look in detail and be implemented: Should the systematic collection, risk classification, and review for non-discrimination of government-used ADM systems take place before (ex ante) or after (ex post) commissioning? What specific information should be collected and reviewed, and what criteria will be used to classify risk? What competencies are needed in the public administration and how can and should the public be specifically educated? And how should supervision and enforcement be ensured? We would have liked to see concrete answers to these questions. Yet there are already promising approaches as to how these recommendations for action can look in practice.

How we assess the recommendations in detail and what opportunities we see can be found in our statement (DE only).

#### impact & outlook

One thing, we were particularly disappointed with, is that the PG "AI and the State" did not clearly and unanimously advocate for a ban on lethal autonomous weapons systems, as well as an immediate ban on AI-assisted facial recognition in public spaces, which paves the way for indifferent mass surveillance. In our recent Automating Society Report 2020 (see projects in this report), we highlight the worrying proliferation of biometric

facial recognition in Europe and the fundamental threat it poses. We will look at this issue extensively and incorporate the findings into our future advocacy work.

## Advertising Transparency public sphere

#### what happened in 2020

In a situation where the lines between political and other ads are often blurred and it is thus difficult to police the labeling of political ads, it is ultimately necessary to ensure the transparency of all ads. This is why we have joined the European Partnership for Democracy (EPD) and many other partners in September in calling for the introduction of comprehensive advertisement libraries.

#### position & recommendations

The political campaigning landscape has changed significantly with the digitalization of our public sphere, which has created new opportunities for political participation, but also poses significant risks to the integrity of elections and political debate. Unlike broadcast political ads shown to the wider public, online ads are tailored to specific homogenous groups of people, which can segment and polarize the voter base and distort political debate.

The lack of transparency around which ads are shown to whom, why, and who has paid for them, further creates a situation where anyone—from a political party and interest group to a foreign advertising firm like Cambridge Analytica—can distort political debate and easily evade public interest scrutiny. This threatens the credibility of our electoral processes, and ultimately the legitimacy and representativeness of our democracies. At the source of these problems lies the lack of transparency offered by digital platforms such as social media sites, video apps. and search engines.

You can read the full call here: September 2020 | AlgorithmWatch joins call for 'Universal Advertising Transparency by Default' https://algorithmwatch.org/en/wp-content/ uploads/2020/09/joint-call-for-universal-adstransparency.pdf

#### White Paper on Al

cross sector

#### what happened in 2020

On 19 February 2020, the European Commission published its **White Paper on Artificial Intelligence**—initiating the most decisive legislative process regarding ADM systems at the European level so far—relevant to all sectors we focus on. The paper prospects a comprehensive regulatory framework for Al and discusses the rationale for it. AlgorithmWatch submitted a response to the Commission as part of the public consultation on Al.

In our report Automating Society (see above) we have shown how automated decision-making systems are shaping people's daily life in the European Union. Intended to make processes more efficient, many ADM systems have highly problematic consequences—they limit people's access to participation, to public goods and services, and infringe fundamental rights. A central challenge in detecting and correcting the outcome of ADM systems is their opaque character. Due to both a lack of adequate and consistent regulation and a lack of knowledge to assess such systems, most ADM systems remain "black boxes" to the public, inhibiting critical contestation from the outset.

#### position & recommendations

We therefore welcomed the European Commission's efforts to develop a coherent regulatory framework which is based on European values and in full respect for fundamental rights. While the European Commission highlights the potential risks of Artificial Intelligence in the very first paragraph of its White Paper, we share concerns raised by the human rights community that the White Paper's overall narrative suggests a worrisome reversal of EU priorities, putting global competitiveness ahead of the protection of fundamental rights.

In our response, we urged the Commission to put public interest, the protection of individual rights, non-discrimination, and equal access to resources and participation at the core of any strategy on Artificial Intelligence; consequently, we call for the establishment of rigorous transparency mechanisms which allow for public scrutiny and contestation, including (1) public registers on ADM systems; (2) remedies for contestation; (3) independent centers of expertise on Al/ADM; and (4) robust, legally-binding data access frameworks to support and enable public interest research.

We further supported European Digital Rights' (EDRi) <u>call</u> on the European Commission and the EU Member States to comprehensively stop all biometric processing in public spaces that could amount to mass surveillance. Having in mind the serious threat of ADM systems that are based on biometric technologies, including facial recognition, we demanded that the Commission's AI strategy clearly and uncompromisingly bans the use of such ADM systems in public space and other applications from the outset.

You can read our full response here:
June 2020 | **Our response to the European Commission's consultation on AI**<a href="https://algorithmwatch.org/en/wp-content/uploads/2020/06/AlgorithmWatch\_Submission\_EC-White-Paper-AI\_20200612.pdf">https://algorithmwatch.org/en/wp-content/uploads/2020/06/AlgorithmWatch\_Submission\_EC-White-Paper-AI\_20200612.pdf</a>

#### impact & outlook

It is foreseeable that the AI Act legislative process will be a focus of AlgorithmWatch's policy work over the next few years, as it affects all four areas of our work. In this context, we will pursue a strategy

that allows us to respond appropriately to the dynamics of the negotiations in the EU Parliament and Council.

We will join forces with other civil society actors to make our demands heard with a strong united voice during the legislative process. Building on our growing network and increased resources we will provide analysis of the proposals and translate our research and journalistic findings, e.g., from the Automating Society Report, into recommendations and demands that put fundamental rights and public interest first.

#### COVID-19 & surveillance

public sector, public sphere

#### what happened in 2020

As the COVID-19 pandemic raged throughout the world, many were wondering whether and how to use automated decision-making systems to curb the outbreak.

Different solutions were being proposed and implemented in different countries, ranging from authoritarian social control (China) to privacy-oriented, decentralized solutions (MIT's 'Safe Path').

#### position & recommendations

We recognized the COVID-19 pandemic as a global public health emergency that required a coordinated and large-scale response by governments worldwide, but demand that States' efforts to contain the virus must not be used as cover to usher in a new era of greatly expanded systems of invasive digital surveillance. In a joint statement, together with more than 100 civil society groups, AlgorithmWatch urged governments to show leadership in tackling the pandemic in a way that ensures that the use of digital technologies to track and monitor individuals and populations is carried out strictly in line with human rights. We further developed a set of possible principles and considerations on which to ground an

informed, democratic, and useful discussion regarding the use of ADMS in the current pandemic, which were published in a position paper in April 2020.

Read the full joint statement and our position here:

April 2020 | States use of digital surveillance technologies to fight pandemic must respect human rights

https://algorithmwatch.org/en/wp-content/uploads/2020/04/Joint-statement-COVID19-20200402.pdf

April 2020 | **Automated decision-making systems** and the fight against COVID-19 – our position https://algorithmwatch.org/en/wp-content/

uploads/2020/04/AlgorithmWatch-position-on-ADMS-and-the-fight-against-COVID19-v1-20200402.

(also available in German, French (Framablog)\* and Italian (KRINO)\*.)

## Germanys new media treaty public sphere

#### what happened in 2020

In December 2019, Germany's federal states approved the Interstate Media Treaty (Medienstaatsvertrag or MStV for short): draft legislation with rules for TV and radio similar to a federal law. The new *Media Treaty* expands on the powers outlined in the Broadcast Treaty, which up until then had been the principal regulatory framework for public-service and commercial broadcasting in Germany. For the first time, the treaty's rules also include social media platforms, search engines, and video portals, subjecting them to independent, non-governmental oversight by Germany's media authorities (Landesmedienanstalten). The MStV is Germany's latest attempt to reign in the de facto gatekeeping power that companies such as Facebook, YouTube, and Google wield over millions of citizens. With its focus on media pluralism and safeguarding diversity of information, it represents a significant

conceptual departure from other regulatory approaches, which tend to focus exclusively on content removal.

#### position & recommendations

The German media treaty came at a critical time for Europe. EU policymakers were preparing to take up the issue of platform regulation through their review of the decades-old e-Commerce Directive, and it wasn't the first time they looked to Berlin for inspiration. Because the recommendations from Germany's Data Ethics Commission have already shaped the EU Commission's thinking on Al policy, it is reasonable to think that the ideas the Data Ethics Commission proposed on tackling media intermediaries (more or less copy-pasted from the Media Treaty) could make their way to the European stage.

#### impact & outlook

Despite its shortcomings, the MStV has important symbolic value. It signals regulators' willingness to take on big tech, and pushes the policy debate beyond questions of content moderation and deletion. The core goals of the MStV, such as improving transparency and the ability for people to freely form their opinions in the digital (media) age, are laudable.

The success of the regulation will depend on whether the media authorities will succeed in clearly defining the rules, and whether they can muster the resources to enforce these rules.

Read our full position here:

Germany's new media treaty demands that platforms explain algorithms and stop discriminating. Can it deliver?

https://algorithmwatch.org/en/new-media-treaty-germany/

### Automated Human Resources Management and Labor Rights

ADMS at the workplace

#### what happened in 2020

Beyond our project activities and results we followed a two-tiered advocacy approach related to ADMS at the workplace: First, based on an ethical analysis by Dr. Michele Loi, we devised recommendations that should be followed by companies who develop people analytics systems, companies who use them, employee representatives (like works councils), and lawmakers in order to enable a responsible use of these tools.

#### position & recommendations

The recommendations are in short:

- Rules for data collection for human resource analytics should go beyond GDPR.
- The development of data-driven HR tools needs adequate technical competence to generate knowledge about the algorithms.
- The impact of using the tool on employees should be carefully monitored.
- HR and management should guarantee adequate transparency about the data-driven tools used in HR.

A detailed version, including key questions to be answered before implementing data collection as well as key implementation steps, is part of the study.

Second, our *Guideline for Reviewing Essential Features* of Al-based Systems for Works Councils and other Staff Representatives contains questions to enable human resources managers and employee representatives to make a reasonable assessment of the impact of using a specific ADM tool on employees and to decide whether its explainability and fairness are

acceptable. It helps to drill down to the justificatory, discussion-worthy properties and contexts of a software system. The questions outlined in there can be used to better understand a system's properties and qualities, what purposes it is used for, and consequently help decide whether it complies with the above ethical recommendations and the expectations of the employees.

#### impact & outlook

The publication of our web dossier received extensive media attention, illustrated by the following examples and the attached media review.

Süddeutsche Zeitung | 2 March 2020: Personalanalyse von Mitarbeitern oft rechtswidrig

Der Standard | 2 March 2020: <u>Studie:</u> <u>Automatisierte Mitarbeiterüberwachung womöglich</u> rechtswidrig

Politico.eu | 11 March 2020: <u>Al: Decoded [...]</u> Workforce surveillance

Awaiting the publication of a draft for an AI Act by the EU Commission, we will use the initial results and conclusions to analyze if the proposed framework ensures that the operation of such systems is sufficiently transparent to enable users to interpret the system's output and use it appropriately.

Based on this analysis, we will assess whether it is realistic that the AI Act, in case of its adoption, will in practice provide employees with enforceable rights to transparency. We will also analyze whether—and if yes, how—the Act could be used to guarantee that employees get a say in how and for what purposes AI-based systems can be deployed in the workplace. Consequently, we will develop actionable policy recommendations and advocate for them vis-à-vis the European institutions, namely the Parliament and the Council, to ensure that these rights are guaranteed.

## Investigative Journalism

The objective of our journalistic work is to raise awareness about the use of ADM systems in Europe among policymakers and the expert community. We cover ADMs in the public sector, including in the fields of social welfare, health, and migration, as well as in the private sector, especially concerning large platforms that have an outsized influence on public and civic life.

We also reach out to the general public through partnerships with larger organizations in several European countries (such as Gazeta Wyborzca in Poland, InfoLibre in Spain, RTS in Switzerland or Radio France). We thereby help non-experts better understand the consequences and implications of the use of ADM systems and expand the discussion beyond domain experts.

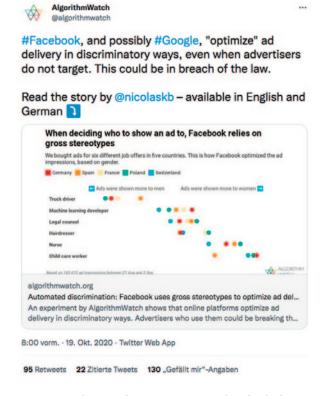
Here are three of the over 40 stories we published in 2020 (all three written by our reporter Nicolas Kayser-Bril):

7 April 2020
Google apologizes after its Vision Alproduced racist results

A Google service that automatically labels images produced starkly different results depending on skin tone in a given image. The company fixed the issue following our reporting, but the problem is likely much broader.



**Impact**: In a <u>video</u> of October 2020, Tracy Frey, Google's Director, Product Strategy and Operations, Cloud AI, refers to the "deeply distressing result" of our research and she explains how Google investigated as a reaction to our story. 18 October 2020
Automated discrimination: Facebook uses
gross stereotypes to optimize ad delivery
An experiment by AlgorithmWatch shows
that online platforms optimize ad delivery in
discriminatory ways. Advertisers who use them
could be breaking the law.



**Impact**: In her <u>analysis</u> (in German), legal scholar Wiebke Fröhlich refers to the results of our investigation and confirms that traditional anti-discrimination law is not equipped to address this form of algorithmic discrimination.



AlgorithmWatch

# 15 June 2020 Undress or fail: Instagram's algorithm strong-arms users into showing skin

An exclusive investigation reveals that Instagram prioritizes photos of scantily-clad men and women, shaping the behavior of content creators and the worldview of 140 millions Europeans in what remains a blind spot of EU regulations.



**Impact:** More than international 200 media outlets from around the world referred to the results of our project Towards A Monitoring of Instagram

## Media and public relations

### Websites

Our website remains the core outlet for all our work: journalistic stories, research reports and position papers. In addition to our main website, we have expanded our portfolio of stand-alone project websites to include the new edition of the Automating Society Report.



Here, all research chapters, journalistic stories, comics and links to references from the report, as well as the PDFs, are available. This makes it possible for readers to access and explore the report in different ways (e.g. via the comics), in different contexts (e.g. in a browser on a mobile device) and to share specific parts of the report (as individual sections have discrete URLs).

The structure of the report, as well as certain elements like the interactive map as an additional graphical menu, will also serve as a template for upcoming project pages and the new AlgorithmWatch theme itself.

In November, a completely new and self-contained website was launched for <u>AlgorithmWatch</u> <u>Switzerland</u>, where content can be published in three of the four official languages of Switzerland and English.

The concept for the new AlgorithmWatch website theme was further developed, with plans to relaunch the site in early 2021 to expand functionality and design options. In this way, we want to sustain the steady growth in traffic to the website, which also continued in 2020—with **peaks** of about 25,000 unique visitors per month on the AlgorithmWatch main website alone.

### Newsletter

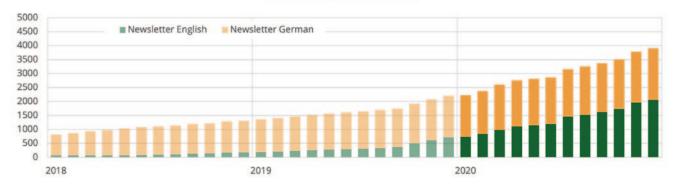
At the end of 2020, more than **3900 subscribers** received the AlgorithmWatch newsletter, which is sent out every two weeks in German and English. The number of English-speaking readers alone has tripled since the beginning of the year.



https://twitter.com/bboying1275/ status/1333457588504064000



#### Newsletter subscribers



The high quality of the newsletter is very much appreciated, as regularly confirmed by feedback and recommendations from our readers.

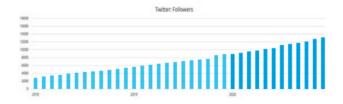


https://twitter.com/fborgesius/status/1279011880137297921

There is a lively exchange with our readers, who contribute tips and hints to current developments in the field of automated decision-making. We collect ongoing feedback on the newsletter via a survey, and continue to iterate upon its format, for example by adding and testing new sections. We have also optimized the processes for editing and translation so that the German translation is now sent out simultaneously with the English version.

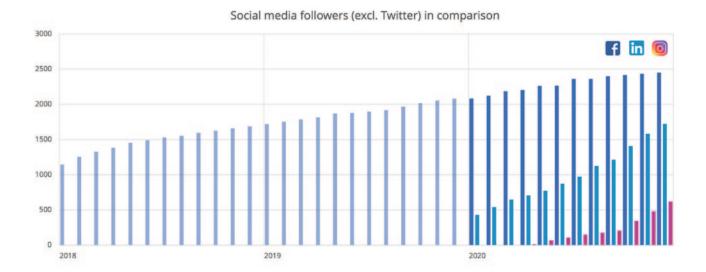
### Social media

Twitter remains our main social media channel, and the AlgorithmWatch account continues to see growth in followers. We had more than **13,000 Twitter followers** at the end of 2020.



We are also **diversifying our social media presence** by posting and sharing more content
on channels such as LinkedIn and Instagram (see
chart below). Since social networks are an essential
subject of our research—for example, in regard to
the question of their influence on public discourse
and democratic processes—we see it as essential to
be present on the respective platforms in order to
reach potential disseminators and also data donors
for our campaigns.





#### **Events**

The year 2020 was without question marked by an involuntary change in the way events are conducted and attended.

Almost all important conferences, hearings, workshops and symposia were held completely virtually or as hybrid formats.

In this context, AlgorithmWatch has hosted or co-hosted important events with very positive results, as described in the project section. The launch event of the Automating Society report 2020 and the panel discussion with experts was attended by 183 people—a number that would certainly have been lower if the event had been held in person.

As in previous years, AlgorithmWatch was invited to events at the national, European and international level. Here is a selection:

#### 23 January

#### **CPDP 2020**

Al and Informed Consent: the challenges ahead (panel discussion)

#### 29 January

## ACM Conference on Fairness, Accountability, and Transparency

From Theory to Practice: Where do Algorithmic Accountability and Explainability Frameworks Take Us in the Real World

#### 10 February

## **Enquete Commission "Artificial Intelligence" German Bundestag**

Hearing: How algorithmic decision systems can be regulated

#### 3 March

#### Federal Ministry for Labour and Social Affairs, Germany (BMAS)

Opening Al Observatory – Safe and Trustworthy Al: 'Working Towards a Regulatory Framework' (panel)

#### 8 June

## All-Party Parliamentary Group on Artificial Intelligence, UK

Evidence session – Face and emotion recognition technologies: How can regulations protect citizens and their privacy?



#### 28 July

#### RightsCon 2020

Citizen scoring in the EU revisited: facial recognition, lie detectors, and more – strategy session hosted by AlgorithmWatch

#### 29 July

#### RightsCon 2020

Instantiating data stewardship: use cases, accountability, and implementation – strategy session hosted by Aapti Institute and AlgorithmWatch

#### 4 November

Interdisciplinary Advisory Board for Employee Data Protection, Federal Ministry of Labor and Social Affairs, Germany (BMAS)

Hearing: Digital work tools and AI systems in HR and talent management and recruiting

#### 4 November

#### **Internet Governance Forum 2020**

Presentation of the Automating Society Report 2020

#### 14 December

European Union Agency for Fundamental Rights (FRA) & Federal Ministry of Justice and Consumer Protection, Germany (BMJV)

European Way for Al: Protecting Fundamental Rights in the Age of Artificial Intelligence 'Automation of Public Administration - Use of Al in the Public Sector and Impact on Fundamental Rights' (panel discussion)

#### 15 – 17 December

#### **Council of Europe**

3rd Meeting if the Ad Hoc Committee on Al (CAHAI) – AlgorithmWatch attended in the role of Observer

### Our team in 2020

- / Andreas Eisenhauer finance and accounting
- / Anna Mätzener managing director AlgorithmWatch Switzerland (from September 2020)
- / Anna Lena Schiller project manager (from September 2020)
- / Anouk Ruhaak Mozilla fellow
- / **Avalon Wolfe** intern (September-December 2020)
- / Fabio Chiusi project manager
- / Friederike Reinhold senior policy and advocacy manager (from April 2020)
- / Jessica Wulf executive advisor (from March 2020) and researcher (from September 2020)
- / Johannes Filter software developer (from October 2020)
- / **Justin Casimir Braun** intern (June-September 2020)
- / **Kristina Penner** executive advisor (on parental leave starting March 2020)
- **/ Leonard Haas** research assistant (from October 2020)
- / Lorenz Matzat co-founder, project lead
- / Luis Windpassinger intern public relations and outreach (September-December 2020)
- / Mackenzie Nelson project manager (until December 2020)
- / **Maike Majewski** office assistant (until March 2020)
- / Marc Thümmler public relations and outreach
- / Marie Schröter fellow (June-September 2020)
- / Matthias Spielkamp co-founder, executive director, project lead
- / **Melanie Gelei** controlling and financial administration (from April 2020)
- / Nicolas Kayser-Bril journalist
- / **Rachel Brochado** product manager (from July 2020)
- / Sana Shah project manager (from August 2020)
- / **Sebastian Gießler** researcher (until April 2020)

You can read about the current team members of AlgorithmWatch on our website: <a href="https://algorithmwatch.org/en/team/">https://algorithmwatch.org/en/team/</a>.

### Governance

#### Organizational profile

AlgorithmWatch is a charitable non-profit limited liability company under German law. The Berlin tax authorities conferred the status of a charitable non-profit in 2017 ("Gemeinnützigkeit").

In 2020 AlgorithmWatch had three governance structures: The executive management, the shareholders meeting and the supervisory board.

#### **Executive management**

The organization is led by executive director Matthias Spielkamp.

#### **Shareholders meeting**

The company's shareholders are the two co-founders Lorenz Matzat and Matthias Spielkamp with equal partnership shares. The shareholders meeting signs off on the annual financial report, has the right to appoint and dismiss the executive director, commands the company's capital and needs to be convened to decide about exceptional affairs.

#### Supervisory board

We established a supervisory board in 2019. The supervisory board meets with the executive management one to two times a year in order to exonerate the executive management, to sign off on the annual financial report as well as the annual work plan. The board's first meeting took place late summer 2019, the last in December 2020. Members:

- Dr. Steffen Wenzel, executive director of the non-profit Politik Digital, chair
- Sabine Leutheusser-Schnarrenberger, former German Federal Minister of Justice
- Dr. Katharina de La Durantaye (LL.M.), professor for Private Law and Media Law at Europa-Universität Viadrina

## Memberships and affiliated organizations

- AlgorithmWatch is not a member of any other organization.
- We have no legal links with any organizations and do not hold any shares in other organizations.
- AlgorithmWatch is a partner in the ARC (Australian Research Council) Centre of Excellence for Automated Decision-Making and Society, including 7 Australian Universities, non-Australian universities and research institutes (NYU, Cornell, Amsterdam, Birmingham and others) and organizations like the Data & Society Research Institute, the Digital Asia Hub, the Australian Broadcasting Corporation and many more. (https://www.admscentre.org.au/)
- AlgorithmWatch was appointed to the Global Partnership on AI (GPAI), as one of very few civil society organizations. The GPAI, which was founded by the EU Commission and 14 countries and launched in June 2020, is a voluntary, multi-stakeholder initiative with a permanent focus on AI. It serves as a nexus for international cooperation for the development



of AI and will draw on world-class experts to evaluate emerging AI technology and advise its member states accordingly. AlgorithmWatch is a member of the working group 'Responsible AI'. The GPAI aims to develop a set of global standards on AI, covering a range of topics including "responsibility" and "data handling".

See also https://t.co/MsbLHVJFP4?amp=1

Working Group on the Responsible Development and Use of AI (<a href="https://oecd.ai/wonk/an-introduction-to-the-global-partnership-on-ais-work-on-responsible-ai">https://oecd.ai/wonk/an-introduction-to-the-global-partnership-on-ais-work-on-responsible-ai</a>

#### **AW** policies

We are continually reviewing and establishing new policies that help navigate our work internally to ensure they truly reflect the work we are doing. We strive to be transparent, responsive to stakeholders, and focused on delivering impact. AlgorithmWatch seeks to meet best-practice standards on public accountability and transparency, including in good governance, ethical fundraising, responsible advocacy and multistakeholder participation.

#### Organizational ethics / transparency

We meet the requirements of the German *Initiative for a Transparent Civil Society* ("Initiative Transparente Zivilgesellschaft").

Please find all information according to our commitment on our website here: <a href="https://">https://</a> algorithmwatch.org/transparency

More information about the initiative can be found here: <a href="https://www.transparency.de/mitmachen/">https://www.transparency.de/mitmachen/</a> initiative-transparente-zivilgesellschaft/ (in German only)

AlgorithmWatch is also registered at the European Transparency Register.

Please find our profile with the published information here: <a href="https://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=268308931088-81">https://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=268308931088-81</a>

#### Data protection

Please find all information on our privacy policy here: https://algorithmwatch.org/en/privacy/

## **Finances**

| AW AlgorithmWatch gGm Income Statement 01.01. |   |
|---|---|
| medine statement or.or.                       | - 31.12.2020                                      |
| Revenues Grants                               | 823.843,42  |
| Revenues Donations                            | 3.583,00  |
| Revenues other                                | 17.055,61   |
|   |   |
| Personnel expenses Wages and salaries         | 451 779 21  |
| Wages and salaries                            | ·   |
| Wages and salaries                            | 76.802,77   |
| Wages and salaries<br>Social Security         | 451.779,21<br>76.802,77<br>9.124,73<br>306.775,32 |

### Financial compliance

Our organization's financial report 2020 was audited by Martina Schmidt – Wirtschaftsprüfung GmbH Certified Public Accountant, Dipl.-Kffr. (FH) Martina Schmidt Barbarossastraße 39, 10779 Berlin

### Legal

This report refers to the activities of the non-profit organization AW AlgorithmWatch gGmbH in the year of 2020.

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Registered Charity in Germany Registered at district court Amtsgericht Berlin Charlottenburg Registration number: HRB 186522 B

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facebook.com/algorithmwatch

#### LinkedIn:

linkedin.com/company/ algorithmwatch

#### Instagram:

https://www.instagram.com/algorithmwatch/

#### YouTube:

https://www.youtube. com/channel/ UCOhGvpEH0oLlpqZDDpDo67Q/

## Media Review 2020

#### 07 January 2020

**DEUTSCHLANDFUNK NOVA:** Airbnb will verhaltensauffälligen Personen das Mieten erschweren

https://www.deutschlandfunknova.de/beitrag/social-scoring-airbnb-koennte-verhaltensauffaelligen-personen-das-mietenerschweren

#### 07 January 2020

**DER SPIEGEL:** So könnte Software für Airbnb Nutzer-Persönlichkeiten einschätzen <a href="https://www.spiegel.de/netzwelt/apps/airbnb-so-koennte-software-fuer-airbnb-nutzer-persoenlichkeiten-einschaetzen-a-1303917.html">https://www.spiegel.de/netzwelt/apps/airbnb-so-koennte-software-fuer-airbnb-nutzer-persoenlichkeiten-einschaetzen-a-1303917.html</a>

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**SCIENCE BUSINESS:** EU makes move to ban use of facial recognition systems
<a href="https://sciencebusiness.net/news/eu-makes-move-ban-use-facial-recognition-systems">https://sciencebusiness.net/news/eu-makes-move-ban-use-facial-recognition-systems</a>

#### 24 January 2020

FRANKFURTER RUNDSCHAU: "Diese

Datenanalysen können Diskriminierung verstärken" <a href="https://www.fr.de/politik/diese-datenanalysen-koennen-diskriminierung-verstaerken-13498141">httml</a>

#### 03 February 2020

**CPCD CONFERENCE:** CPDP 2020: Al and Informed Consent: the challenges ahead. <a href="https://www.youtube.com/watch?v=aZs8hJLzTsQ&f">https://www.youtube.com/watch?v=aZs8hJLzTsQ&f</a> eature=youtu.be&t=1421

#### 06 February 2020

**NEW YORK TIMES:** An Algorithm That Grants Freedom, or Takes It Away https://www.nytimes.com/2020/02/06/technology/ predictive-algorithms-crime.html

#### 10 February 2020

**DEUTSCHER BUNDESTAG:** Wie algorithmische Entscheidungssysteme reguliert werden können <a href="https://www.bundestag.de/dokumente/">https://www.bundestag.de/dokumente/</a> textarchiv/2020/kw07-pa-enquete-ki-681576

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**FLUXFM:** Lorenz Matzat von AlgorithmWatch bei FluxFM

https://soundcloud.com/algorithmwatch/ lorenz-matzat-von-algorithmwatch-bei-fluxfm-2-februar-2020

#### 10 February 2020

**LE MONDE:** Intelligence artificielle: l'UE peaufine sa stratégie <a href="https://www.lemonde.fr/economie/">https://www.lemonde.fr/economie/</a>

article/2020/02/10/intelligence-artificielle-l-ue-peaufine-sa-strategie\_6029052\_3234.html

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JUSTICE SYSTEM: Algorithms in the welfare state
and justice system
<a href="https://globalcommitteefortheruleoflaw.org/">https://globalcommitteefortheruleoflaw.org/</a>
algorithms-in-the-welfare-state-and-justice-system/

#### 19 February 2020

**RECONNAISSANCE FACIALE:** comment les forces de police y ontelles recours en Europe?: <a href="https://lexpansion.lexpress.fr/high-tech/">https://lexpansion.lexpress.fr/high-tech/</a> reconnaissance-faciale-comment-les-forces-depolice-y-ont-elles-recours-en-europe\_2118639.html

#### 02 March 2020

**SÜDDEUTSCHE ZEITUNG:** Personalanalyse von Mitarbeitern oft rechtswidrig <a href="https://www.sueddeutsche.de/wirtschaft/">https://www.sueddeutsche.de/wirtschaft/</a> <a href="personalsoftware-arbeit-studie-algorithm-watch-1.4826639">personalsoftware-arbeit-studie-algorithm-watch-1.4826639</a>

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HEISE.DE: ZALANDO & CO.: Personalanalyse mit Big Data in der dunkelgrauen Zone https://www.heise.de/newsticker/meldung/ Zalando-Co-Personalanalyse-mit-Big-Data-in-derdunkelgrauen-Zone-4673385.html

#### 02 March 2020

**DER STANDARD:** Studie: Automatisierte Mitarbeiterüberwachung womöglich rechtswidrig <a href="https://www.derstandard.de/story/2000115242833/studie-automatisierte-mitarbeiterueberwachung-womoeglich-rechtswidrig">https://www.derstandard.de/story/2000115242833/studie-automatisierte-mitarbeiterueberwachung-womoeglich-rechtswidrig</a>

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**DEUTSCHLANDFUNK NOVA:** Mein Kollege nervt. Der Computer weiß Bescheid <a href="https://www.deutschlandfunknova.de/beitrag/ueberwachung-am-arbeitsplatz-unternehmen-nutzen-software-zur-analyse-ihrer-mitarbeiter">https://www.deutschlandfunknova.de/beitrag/ueberwachung-am-arbeitsplatz-unternehmen-nutzen-software-zur-analyse-ihrer-mitarbeiter</a>

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**TAGESSPIEGEL BACKGROUND:** KI- Observatorium: Vorarbeit für größere Aufgaben? <a href="https://background.tagesspiegel.de/digitalisierung/ki-observatorium-vorarbeit-fuer-groessere-aufgaben">https://background.tagesspiegel.de/digitalisierung/ki-observatorium-vorarbeit-fuer-groessere-aufgaben</a>

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SÜDDEUTSCHE ZEITUNG: Intelligenztest für Hubertus Heil https://www.sueddeutsche.de/digital/einsatz-von-ki-im-arbeitsleben-intelligenztest-fuer-hubertusheil-1.4827739

#### 17 March 2020

**CT – HEISE.DE:** Gesichtserkennung in Europa auf dem Vormarsch <a href="https://www.heise.de/ct/artikel/Gesichtserkennung-in-Europa-auf-dem-Vormarsch-4678914.html">https://www.heise.de/ct/artikel/Gesichtserkennung-in-Europa-auf-dem-Vormarsch-4678914.html</a>

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WIENER ZEITUNG: Künstliche Intelligenz nur auf Kosten der Menschenrechte? https://www.wienerzeitung.at/verlagsbeilagen/digitale-republik/2055529-Kuenstliche-Intelligenznur-auf-Kosten-der-Menschenrechte.html

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von Matthias Spielkamp an der Shift 2020 –
Digitale Ethik
<a href="https://www.youtube.com/watch?v=c-Qy">https://www.youtube.com/watch?v=c-Qy</a>
<a href="https://www.youtube.com/watch?v=c-Qy">TApNvg&feature=youtu.be</a>

#### 28 March 2020

**ORF.AT:** Schwerpunkt "Künstliche Intelligenz" – Die automatisierte Gesellschaft <a href="https://oe1.orf.at/artikel/668067/Schwerpunkt-Kuenstliche-Intelligenz-Die-automatisierte-Gesellschaft">https://oe1.orf.at/artikel/668067/Schwerpunkt-Kuenstliche-Intelligenz-Die-automatisierte-Gesellschaft</a>

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**RESET:** Interview: Können wir Künstlicher Intelligenz vertrauen? https://reset.org/blog/interview-koennen-wirkuenstlicher-intelligenz-vertrauen-03312020

#### 10 April 2020

**FREE SPEAK:** #8 FreeSpeak: The Algorithmic Beat... understanding the code that influences us <a href="https://soundcloud.com/nmt\_freespeak/8-freespeak-the-algorithmic-beat-understanding-the-code-that-influences-us">https://soundcloud.com/nmt\_freespeak/8-freespeak-the-algorithmic-beat-understanding-the-code-that-influences-us</a>

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**TAGESSPIEGEL:** Das Ringen um die App und die Rolle der Medien

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**HORIZONT.NET:** Verbessert Algorithmen-Regulierung das Leben für Presseanbieter und Plattform-Nutzer?

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— The ethics of contact-tracing — Doubts over AI to treat COVID-19

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**OCEAN PROTOCOL BLOG:** Demystifying Data Trusts and Collective Consent in the world of Data Privacy

https://blog.oceanprotocol.com/voices-of-dataeconomy-anouk-ruhaak-data-trusts-8240426c2ecf

#### 27 May 2020

**LUZERNER ZEITUNG:** Wenn der Chef jeden Klick sieht – im Homeoffice droht dauerhafte Überwachung

https://www.luzernerzeitung.ch/wirtschaft/ wenn-der-chef-jeden-klick-sieht-imhomeoffice-droht-dauerhafte-ueberwachungld.1223615?reduced=true

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**LE MONDE:** Une « erreur » aboutit à la suppression de commentaires critiquant le Parti communiste chinois sur YouTube

https://www.lemonde.fr/pixels/article/2020/05/27/ une-erreur-aboutit-a-la-suppression-decommentaires-critiquant-le-parti-communistechinois-sur-youtube\_6040925\_4408996.html

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**DATA PRIVACY BRASIL:** Live com Mariana Rielli, Fábio Chiusi, Diego Naranjo e Rafael Zanatta – Contact Tracing https://www.youtube.com/watch?v=BmdVUoiZnI8& feature=youtu.be

#### 29 May 2020

**RADIO 24:** Face recognition, scooters and electric bicycles

https://www.radio24.ilsole24ore.com/ programmi/2024/puntata/riconoscimento-faccialemonopattini-e-biciclette-elettriche-220611-ADB2cEU?refresh\_ce=1

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**DEUTSCHLANDFUNK:** Thomas Reintjes https://www.deutschlandfunk.de/biometrieund-demokratie-gesicht-zeigen.740. de.html?dram:article\_id=477605

#### 10 June 2020

**ABOUT INTEL:** Why policing is not predictable <a href="https://aboutintel.eu/predictive-policing-ineffective-harmful/">https://aboutintel.eu/predictive-policing-ineffective-harmful/</a>

#### 11 June 2020

**OELDIARIO.ED:** Black Lives Matter movement puts controversial facial recognition technology in check https://www.eldiario.es/tecnologia/tecnologia-reconocimiento-colocado-protestas-raciales\_0\_1036946522.html

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**THE NEXT WEB:** Instagram's algorithm prioritizes 'scantily-clad' photos, study finds https://thenextweb.com/neural/2020/06/15/instagrams-algorithm-prioritizes-scantily-clad-photos-study-finds/

**OPEN:** Undressing or failing: this is how Instagram's algorithm affects users.

And it drives them to show their skin – Exclusive <a href="https://www.open.online/2020/06/15/spogliarsi-o-fallire-ecco-come-lalgoritmo-di-instagram-condiziona-gli-utenti-e-li-spinge-a-mostrare-la-pelle-esclusiva/">https://www.open.online/2020/06/15/spogliarsi-o-fallire-ecco-come-lalgoritmo-di-instagram-condiziona-gli-utenti-e-li-spinge-a-mostrare-la-pelle-esclusiva/</a>

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HEIDI NEWS: Instagram algorithms more often show a photo when it is stripped https://www.heidi.news/sciences/les-algorithmes-d-instagram-montrent-plus-souvent-une-photo-lorsqu-elle-est-denudee

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**MREZA:** How much social networking algorithms prefer unacceptable content <a href="https://mreza.bug.hr/koliko-algoritmi-drustvenih-mreza-preferiraju-neprihvatljive-sadrzaje/">https://mreza.bug.hr/koliko-algoritmi-drustvenih-mreza-preferiraju-neprihvatljive-sadrzaje/</a>

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**BITPORT:** Instagram actually rewards the natural, i.e. naked state <a href="https://bitport.hu/az-instagram-valojaban-a-termeszetest-azaz-ruhatlan-allapotot-dijazza">https://bitport.hu/az-instagram-valojaban-a-termeszetest-azaz-ruhatlan-allapotot-dijazza</a>

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**EL NUEVO DIARIO:** Instagram favors photos of scantily clad women and men, study finds <a href="https://elnuevodiario.com.do/instagram-favorece-las-fotos-de-mujeres-y-hombres-con-poca-ropa-segun-estudio">https://elnuevodiario.com.do/instagram-favorece-las-fotos-de-mujeres-y-hombres-con-poca-ropa-segun-estudio</a>

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**PODCRTO:** Investigation: why you need to undress to succeed on Instagram <a href="https://podcrto.si/preiskava-zakaj-se-morate-zauspeh-na-instagramu-sleci/">https://podcrto.si/preiskava-zakaj-se-morate-zauspeh-na-instagramu-sleci/</a>

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**YAHOO FINANZAS:** The algorithm uncovers the hypocrisy of Instagram: the social network shows more risque images than other types of content <a href="https://es-us.finanzas.yahoo.com/noticias/">https://es-us.finanzas.yahoo.com/noticias/</a> algoritmo-hipocresia-instagram-165837155.html

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