



/ Open Letter to Members of the European Parliament

Use the DSA to Shed Meaningful Light on Platforms' Impact on Our Public Sphere

26 November 2021

Dear Members of the European Parliament IMCO Committee,

I am writing to you on behalf of a group of international academics, researchers, and independent think tanks engaged in public interest research into systemic risks stemming from large tech companies and ensuring a safer and more transparent online environment.

We currently face a major knowledge deficit in our public sphere. Private technology companies wield huge influence and power over our societies, public discourse, and the realisation of our rights, yet we understand far too little about how these companies work. Recent revelations from Facebook whistleblowers such as Sophie Zhang and Frances Haugen have rightly deepened citizens' mistrust over Big Tech's ability to self-regulate, disclose, and act on systemic harms — including in relation to minors, data rights and democratic processes.

While the Digital Services Act (DSA) is a crucial opportunity to hold online platforms to account, **we are deeply concerned that the DSA will fall short of the measures needed to open up big online platforms to meaningful scrutiny.** Specifically, proposals i) to restrict data access and scrutiny to researchers affiliated with academic institutions in Art. 31(4) of the draft DSA; and ii) to allow for broad exemptions based on protection of "trade secrets" (Art. 31(6)b), would severely undermine our ability to assess these risks and hold platforms accountable.

It is thanks to the work of public interest civil society organizations and journalists that we have already seen important revelations and analysis come to light on harms linked to tech companies. However, the already limited space for this type of research is under threat, including via intimidation, as when Facebook forced AlgorithmWatch into shutting down its Instagram Monitoring Project by weaponizing the company's terms of service. **This type of public interest research should not only be protected from platform abuse, but also harnessed and facilitated, if we are to identify, understand, and act on all systemic risks.**

Data access and scrutiny by third-party vetted researchers, via Article 31, goes to the heart of the DSA's oversight structure. **That is why we strongly support IMCO's amendment to Art. 31(4), which extends data access to civil society organisations** with proven expertise, representing the public interest and following strict privacy guidelines. Preserving this amendment is vital to expanding the network of experts and watchdogs working to help ensure systemic risks are identified, understood, and acted on, even as the risks are constantly evolving.

At the same time, **the proposal for platforms to be able to deny access to their data for independent scrutiny based on protection of "trade secrets" risks making Article 31 entirely meaningless.** As there is no definition of what constitutes a trade secret, it would give huge discretionary power to platforms to block any public interest research – particularly where it raises issues that are uncomfortable for the platform – with little opportunity for recourse or challenge.

As the European Parliament nears agreement on its position for the DSA, **we strongly urge you to support widening data access and scrutiny of Very Large Online Platforms to vetted public interest civil society organisations and journalists in Art. 31(4) and removing the trade secrets exemption in Art. 31(6)b.** Both these demands would considerably increase the EU's ability to hold Very Large Online Platforms to account, and they must not be traded against each other.

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

Yours sincerely,

Signatories:

Individuals

Prof. Dr. Bettina Berendt, TU Berlin, Weizenbaum Institute, and KU Leuven

Alan Borning, Professor Emeritus, Computer Science & Engineering, University of Washington

Prof. Joanna Bryson, Professor of Ethics and Technology, Hertie School

Prof. Steven Alan Carr, Professor of Communication, Purdue University Fort Wayne

Dr. Sasha Costanza-Chock, Director of Research & Design, Algorithmic Justice League

Lydia El-Khoury, Programme Manager, Textgain — AI for Good

Dominika Hajdu, Policy Director, Centre for Democracy & Resilience, GLOBSEC

Pavel Havlicek , Research Fellow at the Research Centre, Association for International Affairs
(AMO)

Dr. Ralph Hertwig, Center for Adaptive Rationality, Max Planck Institute for Human
Development, Berlin

Prof. Anne Kaun, Professor in Media and Communication Studies, Södertörn University,
Stockholm

Prof. Dr. Ulrike Klinger, Chair for Digital Democracy, European New School of Digital Studies,
European University Viadrina

Paddy Leerssen, PhD Candidate, Institute for Information Law (IViR), University of
Amsterdam

Dr. Adam Lelonek, PhD, Independent Researcher on Information Threats

Professor Stephan Lewandowsky, FAcSS, University of Bristol

Prof. Trisha Meyer, Research Director of the Centre for Digitalisation, Democracy and
Innovation at the Brussels School of Governance, Vrije Universiteit Brussel, (VUB)

Armin Noroozian, Postdoctoral Researcher, University of Amsterdam (IViR), Research Fellow,
Technology and Policy Management, Delft University of Technology

Tanya O'Carroll, Independent Expert on Technology and Human Rights

Symeon Papadopoulos, Senior Researcher CERTH-ITI

Almog Simchon, Senior Research Associate, School of Psychological Science, University of
Bristol

Matej Spišák, Director, Infosecurity.sk

Daniel Stegmann, M.A. Institut für Publizistik, Johannes Gutenberg-Universität Mainz

Tom Jennissen, Digitale Gesellschaft

Organizations

AlgorithmWatch

Centre for Democracy and Technology (CDT)

Cybersecurity for Democracy at New York University

D64 - Zentrum für Digitalen Fortschritt (Center for Digital Progress)

Defend Democracy

Democracy Reporting International gGmbH

Deutsche Gesellschaft für Publizistik und Kommunikationswissenschaft (German
Communication Research Organisation)

Državljan D / Citizen D NGO

Eurochild
EU DisinfoLab
Global Witness
GONG
HateAid
Lie Detectors
Media Monitoring Africa
Open Knowledge Foundation Germany
Open Society European Policy Institute
Panoptikon Foundation
Privacy Network
Ranking Digital Rights
Reporters Without Borders (RSF)
Stiftung Neue Verantwortung (SNV)
SumOfUs
The Daphne Caruana Galizia Foundation
The Global Disinformation Index (GDI)
The Peace Institute in Ljubljana, Slovenia
The Signals Network
Wikimedia Deutschland e. V.
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