

16th June 2020

Dear Commissioner Breton, Vice President Jourova
CC: Commissioner Reynders

We are writing as representatives of organisations that share your goals of an open, democratic and sustainable society. We also share your excitement at the opportunity this **Commission has to strengthen Europe's democracy in a digital future.**

Driven by this shared concern for democracy, there is much that can be achieved through the digital agenda that you and your colleagues are leading. In that context, we are writing to ask that you establish regulatory frameworks for auditing the design of automated decision-making systems employed by commercial online content-hosting platforms for such purposes as content moderation, content curation, and the targeting and delivery of advertising.

As the Commission rightly highlights in Shaping Europe's Digital Future, the integrity of the information environment is fundamental to a robust democracy. Content-hosting platforms are now a primary channel for a significant proportion of citizens to access information, especially younger citizens: half or more of 18- to 29-year-olds in each European country use social media for news daily.¹ As the Covid-19 pandemic has underscored, how the social media companies design their platforms and algorithms dramatically shapes how many people are reached by online content, and therefore the nature of democratic discourse.

These design decisions translate into real world consequences for public health and our democracy, including polarisation in political debate and radicalisation, mob violence and violence against 5G infrastructure, driven by mis- or disinformation.² As one example, **Facebook executives are reported to have known that "64% of all extremist group joins are due to our recommendation tools" and that these algorithm systems "grow the problem."** In the absence of any external accountability Facebook did not act on this information.³

Despite the significant effect they have in shaping what people in Europe see online, these design decisions are largely made in the dark. The Covid-19 pandemic has made this plain, but the challenges were already there for our democracies. Those companies should not have a monopoly over decisions so fundamental to public health, nor should they be the ones to decide what is important for a democracy to know.

We are not addressing here the question of whether platform companies should be held

¹ ["Younger Europeans are far more likely to get news from social media"](#), Pew Research Center, October 2018

² ["Coronavirus: The human cost of virus misinformation"](#), BBC, 2020; ["The Making of a YouTube Radical"](#), New York Times (2019)

³ ["Facebook Executives Shut Down Efforts to Make the Site Less Divisive"](#) Wall Street Journal, (2020)

liable for individual pieces of harmful content being on their platforms: we believe they should be made accountable for the role they play in actively promoting such content. Research suggests that controversial content is actively driven by algorithms that are designed to maximise revenues from sales of advertising:⁴ **content that maintains users' attention** enables the platforms to gather more data about users, to profile them and target content accordingly.⁵

The EU's digital leadership provides a once in a generation opportunity to address the root causes behind the quick dissemination and amplification of harmful content, and to rebuild trust in the online information environment.

We believe that the Commission should impose new enforceable transparency and accountability obligations on content-hosting platforms. Any regulatory mechanism should have the power and the capacity to:

- Examine the purpose, constitution, and policies around algorithmic or automated decision-making systems, and to interview people who build and interact with different parts of that system, and observe how people use the system.
- Identify and assess what data was used to train the algorithm, how it was collected, and whether it is enriched with other data sources, and whether that data changed over time.
- Enable data access to third parties (for example civil society organisations, academia, journalists) for public interest scrutiny. Concretely, this would mean institutionalising privileged data-sharing partnerships and ensuring the content-hosting platforms produce high quality, workable, APIs with data.
- Develop, in consultation with relevant stakeholders, including civil society, appropriate guidance for state-of-the-art procedures regarding human rights impact assessment, as recommended by the Council of Europe, as part of human rights due diligence. These procedures should be mandatory with regard to all algorithmic systems with potentially significant human rights impacts.⁶
- Enforce proportionate sanctions for breaching requirements, including mandatory compliance with the transparency requirements as well as financial penalties.
- Ensure any transparency measures are designed to be in compliance with the GDPR.

It is only by undertaking this sort of inspection that an independent regulator, acting in the public interest, will be able to assess whether platform companies truly are acting responsibly. Moreover, this kind of approach would render unnecessary other proposed solutions such as laws dictating algorithmic neutrality or content filters, which would have

⁴ *Antisocial Media: How Facebook Disconnects Us and Undermines Democracy*, (2018) Oxford University Press, Siva Vaidhyanathan; "First Things First: Online Advertising Practices and Their Effects on Platform Speech." (2019) Jeff Gary and Ashkan Soltani, Knight First Amendment Institute.

⁵ [Are Algorithms a Threat to Democracy? The Rise of Intermediaries: A Challenge for Public Discourse](#), (2020) Professor Dr. Birgit Stark and Daniel Stegmann, M.A. with Melanie Magin, Assoc. Prof. & Dr. Pascal Jürgens

⁶ ["Recommendation CM/Rec\(2020\)1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems"](#) (2020), Council of Europe; see also ["Examining the Black Box: Tools for Assessing Algorithmic Systems"](#) (2020), Ada Lovelace Institute and DataKind

dramatic negative unintended consequences for people's ability to exert their freedom of expression and their right to access information.

The EU can lead the world in protecting citizens' rights and our democracies in a digital age. Algorithm inspection should be an important part of that, and we would welcome the chance to meet with you to discuss how we can support progress on this important matter.

Yours sincerely,

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