

Working Group: Pluralism of News and Information in Curation and Indexation Algorithms

Call for Contributions

As outlined in the International Declaration on Information and Democracy, entities that, “create technical means, architectures that shape choices and norms for communication and contribute to the structure of the information and communication space shall respect the principles and guarantees ... that nourish and underpin the democratic nature of this space” and “shall promote diversity of ideas and information, media pluralism and favor serendipity”.

A Reuters Institute study in January and February 2022 found that between 32% and 82% of people had access to news and information through social networks¹. When seen more broadly to encompass all online communications platforms, such as search engines, news aggregators, and video sharing services, this number grew in all examined markets. This trend suggests that new safeguards are needed to guarantee the pluralism of news and information online.

Platforms describe their algorithms as matching people with the content that is most relevant to them. This relevance is measured by predicted engagement: how likely users are to click, comment on, or share a piece of content. These business models, based on the attention economy and ad revenues, have arguably contributed to the polarization of public debate and democratic societies.

The structuring power of online communications platforms is based (1) on their ability to gather, store and process personal data to provide content curation, recommendations and the targeted advertisements that sustain their business models, and (2) the ability of communication platforms to analyze content in order to predict its ability to engage users. Some evidence has shown that the opacity surrounding their management and valorisation has led to increased harm to public debate, amplifying violent content and conspiracy theories while struggling to promote diversity of ideas, information and media pluralism.

¹ The Reuters Institute Digital News Report 2022 presents figures for 46 markets, covering half of the world's population. The following figures are a sample of the proportion of people who gain access to news information through social media platforms : 38% in the UK, 47% in Austria, 72% in Bulgaria, 42% in the US, 64% in Brazil, 44% in Australia, 46% South Korea, 82% in Kenya, 68% in South Africa.

1/ About the working group

1.1/ Mandate

The working group will develop recommendations that address how information curation and indexation algorithms impact the pluralism and quality of news and information made available to platform users.

Objective 1: Provide recommendations to strengthen data protection and privacy regulation in order to prevent an over-customization of content and give users more transparency and control over how their data is being used to recommend content to them.

Existing privacy and data protection laws and regulations, most notably the GDPR and the ePrivacy Directive in the EU, are a significant step forward in limiting the collection, processing and sharing of personally-identifiable information.

However, these laws and regulations have not been sufficient in preventing the extensive profiling and targeting of users and have inadvertently strengthened the position of structuring platforms as gatekeepers of data. Other solutions introduced in these regulatory frameworks, such as data portability, have also shown limitations.

The working group will consult with a range of experts in different industries and countries to identify weaknesses in existing laws and regulations regarding the profiling and targeting of users in curation and indexation algorithms. It will formulate recommendations to strengthen the regulatory framework and limit structuring platforms' exploitation of data leading to over-customization of content.

Objective 2: Provide recommendations to improve pluralism of news and information online, including allowing greater freedom of choice for users.

If reinforcing existing privacy regulatory frameworks will likely reduce the personalization of news and information presented to each individual, this approach alone may not be sufficient or always desirable. The working group will explore how the personalization and customization of curated content can be achieved in privacy-respecting ways, and provide additional recommendations on self-regulation, co-regulation and regulation to enhance the pluralism of information in curation and indexation algorithms.

It will specifically look at solutions aimed at promoting high-quality journalistic content, contextualizing information, and introducing interoperability.

The working group will also look at ways to provide diversity in the curation and indexing of content and to enhance freedom of choice for users, including negative choices, so that users can actively choose to see content from trusted sources rather than being passively

served content from unknown third parties. More and more experts are voicing support for middleware solutions: third party software that could be plugged on platforms to modify the presentation of underlying data allowing users to determine how information is curated and indexed.

The working group may also explore the co-regulatory frameworks needed for the transparency and accountability of such a solution as well as considering the equality issues inherent in self-policing solutions.

1.2/ Deliverables and objectives

The objective of the working group is to provide governments, policymakers and relevant stakeholders with concrete recommendations for regulation, co-regulation and self-regulation. These recommendations will be based on consultation with experts and written contributions received through the present call. The report of the working group will be addressed to the 47 signatory States of the International Partnership on Information and Democracy and relevant stakeholders.

1.3/ Organization

The Forum on Information and Democracy

The Forum on Information and Democracy is the implementing organization of the International Partnership for Information and Democracy endorsed by 47 countries. Founded by 11 NGOs and research centers around the world, its mission is to implement democratic safeguards in the global information and communication space.

The Forum gathers international working groups composed of experts whose mandate is to publish regulatory and self-regulatory recommendations addressed to various stakeholders (States, platforms, civil society, etc.).

The Steering Committee

The Steering Committee is chaired by Pier Luigi Parcu, Director of the Center for Media Pluralism and Media Freedom. It is composed of 10 international experts and its main mission is to guide the working group. It provides expertise to the team of rapporteurs in charge of drafting the recommendations and advises the Forum's Board of Directors on the final recommendations. The Committee meets periodically to help develop the recommendations.

The team of rapporteurs

The team of rapporteurs ensures the integration of contributions and drafts the recommendations of the regulatory and self-regulatory framework.

Ayden Férdeline, lead-rapporteur, is a researcher, public interest technologist and Fellow with the Internet Law and Policy Foundry. Eleonora Maria Mazzoli is a policy consultant and PhD Researcher in "Data, Networks & Society" at the London School of Economics and Political Science (LSE). Jack Bandy, PhD candidate at Northwestern University, researches algorithmic platforms and their impact on mass communication.

2/ Submit a contribution

2.1/ Contributions

We invite contributors to answer the questions below. This list is not exhaustive and contributions from other areas of thought are welcome.

1. Digital services and online content regulation

If we were to create a regulatory framework to improve pluralism of information online beyond existing self-regulatory codes of practice:

To protect the interests of users:

- Could existing standards, protocols, or third-party solutions be scaled up?
- If self-regulation is an unreliable or insufficient instrument, what are the available instruments for public intervention that might suffice?
- Could the Digital Services Act provide the legal basis for a co-regulatory framework in this area? If not, which other instrument(s) could be used?
- How do we design structural and behavioral remedies that protect the supply of diverse content?
 - How can diversity in information or news consumption be measured?
 - How can quality in news consumption be measured and benchmarked?
- What responsibility should a company utilizing curation and indexation algorithms bear for consumer injury arising from its use of these technologies? Can current laws and regulations address such injuries? Why or why not?

To protect the interests of content creators:

- What measures could be adopted to strengthen their interests?
- What measures could be adopted to increase the flow and dissemination of voices currently in the minority?

2. Privacy and data protection

If we were to create a regulatory framework to minimize the impacts of profiling and techniques (such as recommendation systems and personalized content curation processes) on individuals' privacy:

- Would this be necessary, or can users rely on existing privacy or data protection laws and regulations to control how their personal information is used?
- Could existing laws and regulations be complemented by other interventions? If so, by what types (self, co- or statutory interventions)?
- Are there specific industry practices that should be banned or further restricted? If so, do you have evidence of the pros and cons of such bans?
- How can regulators meet legitimate regulatory goals that may be raised in connection with curation and indexation algorithms without unduly hindering competition or innovation?
- How quickly are curation and indexation algorithms advancing? What are the implications of that pace of technological development from a policy perspective?

- Can policy interventions help users' exercise control over their own data?
- How can meaningful transparency requirements be achieved?

3. Competition in digital markets

If we were to create a regulatory framework to mitigate competition-related issues arising from content curation and profiling practices:

- Is current competition law, with its provisions for analyzing the impacts of mergers and its focus on equating competition with consumer welfare, sufficient for addressing any competition issues that are associated with curation and indexation algorithms? If not, why not, and how should the current legal framework be modified?
- Does the use of curation and indexation algorithms raise particular competition concerns (including, but not limited to, concerns about algorithmic collusion)?
- What competition concerns could arise in the future with respect to these technologies, particularly given their pace of development?
- Should there be competition of platforms at any cost, or regulated consolidation of markets?
- Why can competition and media pluralism assessments lead to different outcomes? Should this be addressed, and if so, how?

4. Is there any other information that you wish to contribute?

2.2/ Format

We welcome your contributions to the questions above by submitting a comment through the [following questionnaire](#). You may also submit a comment directly to our email: contributions@informationdemocracy.org in English, French, or Spanish by October 23, 2022.

The call for contributions is open to any individual or institution working in any capacity on these issues. We will not attribute any individual comments to you by name. However, with your permission we will thank you for your contribution in the Acknowledgements section of the working group's final report. If you agree, please include your biography or description of the institution in your contribution.