



**MEMO 98
COMMENTS ON**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL
on a Single Market for Digital Services (Digital Services Act) and
amending Directive 2000/31/EC**

We are a specialist media monitoring organization, with extensive experience of delivery media analyses on behalf of international institutions as well as technical assistance, both to official institutions and civil society groups. Over the course of 22 years, we have conducted numerous monitoring projects in Slovakia and almost 60 other countries aimed at improving media environment prior to elections, strengthening critical thinking and helping citizens to receive comprehensive information.

We have also conducted projects focusing on enhancing capacity of non-government organizations, regulators and media in applying various tools of media monitoring (of both traditional and social media) and on professional assessments of media environment and its challenges (such as disinformation). Given our experience in the field of media and election, we would like to offer these recommendations on regulation of the European Parliament and of the Council on a Single Market for Digital Services Act (DSA) and amending Directive 2000/31/EC.

In general, we believe that it is necessary to foster collaboration and good practice sharing among all concerned stakeholder groups, both nationally and globally, focused on safeguarding the integrity of elections in digital times. We would like to offer our comments on a few points stipulated in the DSA:

MEMO 98

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1) Article 24 [Online advertising transparency]

We support the proposed provisions of Article 24 on online advertising transparency. We believe that it is important to ensure that political advertising is at least as transparent online as it is offline, in view of the need for enhanced accountability and data protection safeguards in connection to data-driven electoral campaigning on social media platforms.

2) Article 31 [Data Access and scrutiny – IT IS IMPORTANT TO INVOLVE CSO]

Article 31.4 provides that *“In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.”*

We believe that governmental actors, civil society, the technical community, internet intermediaries and other private sector actors, the media and academia, among other stakeholders, should be involved in developing efforts to enhance the understanding of, as well as responses to the impact of online disinformation, propaganda and hate speech on human rights (particularly freedom of expression, privacy and the right to participate in public affairs), democracy, civic participation and media development, among other issues.

At the same time, we believe that it is important to include as *‘vetted’* not only academia, or academia-affiliated researchers, but also researchers or civil society organizations (CSO) on their own, given their proven records of expertise in the fields. In a number of countries, it is actually CSOs who are much better placed to conduct relevant social media monitoring projects.

Civil society’s role in fostering an enabling environment for free, independent and diverse media, and in promoting affordable access to the internet for all, is crucial. CSOs, in many countries, play a leading role in advancing education for the development of digital skills that permit citizens to harness the possibilities provided by internet and other ICTs.

In addition to journalists, CSOs also play important role in fact-checking initiatives that aimed at tackling online disinformation and hate speech during elections.



Along with academia and other players, CSOs have developed knowledge and gained access to social media monitoring tools to strengthen their own capacity to track, analyze, and anticipate disinformation attacks. Such social media monitoring can work as an early warning system to identify disinformation narratives, in order to prepare adequate responses and communication strategies. CSOs contribute to enhancing communications and voter education strategies on information integrity, including by promoting media and information literacy, to build people's resilience against disinformation. Toward this aim, we believe that the work of CSOs, along with education institutions and media actors, and in close coordination with other relevant state agencies, is crucial.

In this respect, it is important to establish an independent civil society and academia driven monitoring mechanisms to evaluate the impact of online disinformation on elections as well as the effectiveness of responses implemented against it by different actors and their human rights implications.

3) TO CONSIDER

It would be highly recommended to reconsider business model of platforms based on behavioral advertising, often of a very intrusive personal nature. These aspects are regrettably lacking in the current draft of the REGULATION.